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New York

President:	Mr. Le Luong Minh	(Viet Nam)
Members:	Austria	Mr. Lutterotti
	Burkina Faso	Mr. Koudougou
	China	Mr. Huang Hongjiang
	Costa Rica	Ms. Zamora
	Croatia	Mr. Skračić
	France	Mr. Bonne
	Japan	Mr. Ryuno
	Libyan Arab Jamahiriya	Mr. Gebreel
	Mexico	Mr. Puente
	Russian Federation	Mr. Safronkov
	Turkey	Mr. Dizdar
	Uganda	Mr. Kamahungye
	United Kingdom of Great Britain and Northern Ireland	Mr. Williams
	United States of America	Ms. Germain

Agenda

The situation in the Middle East, including the Palestinian question

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The meeting resumed at 3.15 p.m.

The President: I should like to inform the Council that I have received letters from the representatives of Maldives, Norway and Sri Lanka, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: I wish to remind all speakers, as I indicated this morning, to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate their texts in writing and to deliver a condensed version when speaking in the Chamber. I thank participants for their understanding and cooperation.

I now give the floor to the representative of Egypt.

Mr. Abdelaziz (Egypt): I have the pleasure to address the Security Council in this important meeting on behalf of the Non-Aligned Movement. I want to start by emphasizing the importance of the monthly briefing by the Secretariat, which remains one the most important tools to assess the situation in the Middle East and to enhance our collective efforts aimed at advancing the peaceful settlement of the Arab-Israeli conflict.

We express our appreciation to Under-Secretary-General Pascoe for his briefing this morning and welcome the presence of Palestinian Foreign Minister Riad Al-Malki at this meeting.

The Non-Aligned Movement believes that the briefing should focus not just on describing the situation on the ground, but also on assessing the reality with regard to the fulfilment by each side — particularly Israel, the occupying Power — of its responsibilities and compliance with international law and Security Council resolutions.

The Non-Aligned Movement believes that more efforts and action are required from the Security Council at this critical stage for the Middle East region. The deteriorated situation in the region as a result of the ongoing unlawful Israeli occupation of Palestinian, Syrian and Lebanese territories since 1967 continues to be a matter of serious concern not only for the region, but also for the entire international community.

The Non-Aligned Movement regrets once again the lack of progress made, despite increased efforts to achieve a just and lasting solution to the question of Palestine and a comprehensive peace in the Middle East through the achievement of the two-State solution. Regrettably, no progress has been made due to Israel's continued defiance of international law, including international humanitarian and human rights law.

The international community must not waver in its calls upon Israel to cease all of its flagrant violations, including its collective punishment of the Palestinian people, particularly in the Gaza Strip, and its illegal settlement activities, and to return to negotiations in good faith. Peace clearly cannot be achieved in circumstances where international law and human rights continue to be trampled.

The Non-Aligned Movement expresses its grave concern about the findings of the investigation carried out by the United Nations Fact-Finding Mission on the Gaza Conflict, as contained in the Goldstone report (A/HRC/12/48), as well as the conclusions reached by the Secretary-General's Board of Inquiry and the conclusions of the Arab League's fact-finding mission.

The Movement calls for serious follow-up action on the recommendations set forth in those reports towards bringing an end to the flagrant violation of international law, including international humanitarian and human rights law, and in pursuit of accountability and justice. All organs of the United Nations must assume their responsibilities in this regard, and all appropriate and available legal remedies should be applied to end human rights violations and grave breaches by Israel in the occupied Palestinian territory.

The Movement reiterates its firm conviction that respect for and compliance with international law, including international humanitarian and human rights

law, and United Nations resolutions and decisions will have a positive influence on and are necessary to advance efforts to achieve a just and peaceful political settlement of the Israeli-Palestinian conflict.

The Non-Aligned Movement urges that due priority continue to be given to promoting respect for and observance by all Member States of their obligations under international humanitarian law, particularly those under the Fourth Geneva Convention.

In this regard, the Movement takes into account the magnitude and persistence of the violations and breaches of international law, including international humanitarian law, being committed by Israel, the occupying Power, in the occupied Palestinian territory, including East Jerusalem. The Movement urges the Security Council to prevent impunity and apply accountability for the war crimes committed by Israel against the Palestinian civilian population during its military aggression on the Gaza Strip.

The Non-Aligned Movement reiterates its strong condemnation of the death and destruction caused by the Israeli military aggression on Gaza, as well as of Israel's ongoing unlawful closures and blockades, which have resulted in the virtual imprisonment of the entire Palestinian civilian population by obstructing their freedom of movement, including the movement of essential goods, humanitarian assistance and reconstruction materials. The ongoing negative consequences of the Israeli aggression on Gaza have exacerbated the humanitarian crisis on the ground, continue to fuel instability and the cycle of violence, threaten international peace and security and hamper the efforts to resume the peace process between the two sides.

The Non-Aligned Movement urges the Security Council to seriously consider and act upon the recommendations directed to it by the United Nations Fact-Finding Mission in accordance with the request by the Libyan Arab Jamahiriya, which was supported by the Non-Aligned Movement, the Organization of the Islamic Conference and the Group of Arab States. Immediate measures by the Security Council are required in this regard, in accordance with its Charter responsibility to address matters affecting international peace and security. The Non-Aligned Movement reiterates its call for the immediate implementation of all relevant Security Council resolutions and for measures to be taken immediately to address the grave humanitarian situation resulting from the Israeli military aggression on Gaza, as confirmed in the report.

The Non-Aligned Movement reiterates its call on Israel to end the collective punitive measures it has imposed on the civilian population in Gaza. In this regard, the United Nations Fact-Finding Mission finds that Israel has imposed a blockade amounting to collective punishment and has carried out a systematic policy of progressive isolation and deprivation of the Gaza Strip. Further, the Fact-Finding Mission states that the Israeli military operation was directed at the people of Gaza as a whole, in furtherance of an overall and continuing policy aimed at punishing the Gaza population and in a deliberate policy of disproportionate force aimed at the civilian population.

Such alarming findings clearly require the attention of the Security Council. Serious measures must be taken to end impunity and ensure accountability. Immediate measures are also required to address the pressing humanitarian and economic needs of the Palestinian people in the Gaza Strip, including by the sustained and permanent opening of Gaza's border crossings by Israel, in full compliance with the terms and provisions of resolution 1860 (2009), in order to ensure the free access of humanitarian aid and other essential supplies and goods, including commercial supplies and needed reconstruction materials, and to facilitate the passage of persons to and from Gaza.

I turn now to the situation in occupied East Jerusalem. The Non-Aligned Movement expresses grave alarm at the recent attacks by extremist and militant Israeli settlers, protected by Israeli forces, at the Islamic holy sites of Al-Haram Al-Sharif and Al-Aqsa mosque. Such attacks against Palestinian worshippers represent a threat and exacerbate an already volatile situation in the occupied holy city. The Non-Aligned Movement condemns Israel's continuing provocations, aggression and illegal actions against the city's holy sites and against its Palestinian inhabitants living under Israeli occupation.

The Non-Aligned Movement reiterates its condemnation of all Israeli actions and provocative measures aimed at altering the demographic composition, geographic nature, character and status of occupied East Jerusalem and the rest of the occupied

Palestinian territory. The Non-Aligned Movement expresses grave concern that, in defiance of the clear international consensus rejecting Israeli colonization and in flagrant breach of international law, Israel continues to construct settlements in the occupied Palestinian territory, especially in and around East Jerusalem, where the occupying Power also continues, inter alia, to demolish Palestinian homes, evict Palestinian families from their homes, confiscate Palestinian land and properties, and carry out excavations in the city, including in the vicinity of the Al-Haram Al-Sharif compound.

The Non-Aligned Movement believes that the time has come for the Security Council to take a clear position on and serious action against Israel's violations in occupied East Jerusalem. By staying silent and leaving Israel to pursue its defiance of international law through its actions against the Islamic holy sites in the occupied East Jerusalem, the Council sends the wrong message in the wrong direction. Such illegal actions and incitement by Israel confirm doubts about its willingness to achieve peace on the basis of the two-State solution and the 1967 borders. We thus urge rapid and decisive action to prevent this volatile situation from escalating further.

Turning to Lebanon, the Non-Aligned Movement remains deeply concerned by Israel's ongoing violations by air and land of Lebanese sovereignty, in breach of resolution 1701 (2006), and calls on Israel to fully withdraw from the remaining Lebanese lands it occupies in the Shaba'a Farms, the Kfar Shuba Hills and the northern part of Al-Ghajar village.

With respect to the occupied Syrian Golan, the Non-Aligned Movement reaffirms that all measures and actions taken or to be taken by Israel, the occupying Power, to alter the legal, physical and demographic status o£ the occupied Syrian Golan and its institutional structure, as well as Israeli measures to impose jurisdiction and administration there, are null and void and have no legal effect.

The Non-Aligned Movement demands that Israel abide by resolution 497 (1981) and that it fully withdraw from the occupied Syrian Golan to the borders of 4 June 1967, in implementation of resolutions 242 (1967) and 338 (1973).

In a world where respect for human rights and fundamental freedoms occupies centre stage, nothing justifies a policy of collective punishment of a people under effective occupation or the destruction of their means to live a dignified life. The lack of accountability for serious violations has reached a crisis point. The ongoing failure of justice could undermine hopes for a successful outcome to the peace process and reinforce an environment that fosters violence.

The Non-Aligned Movement remains ready to actively engage in any possible action to guarantee the investigation and prosecution of all those responsible for crimes against the civilian population in the Gaza Strip. The Non-Aligned Movement stresses that justice for these crimes must take its course.

The President: I now give the floor to the representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic): I have the honour to make this statement on behalf of the Organization of the Islamic Conference (OIC).

The OIC expresses its serious concern about the grave situation in the occupied Palestinian territory, including East Jerusalem, especially the continuing inhumane Israeli blockade and dire humanitarian crisis being imposed on the Palestinian civilian population in the Gaza Strip and the ongoing illegal colonization campaign being carried out by Israel, the occupying Power, particularly in and around occupied East Jerusalem.

We strongly condemn the recent attacks perpetrated by Israeli occupying forces, including extremist settlers, against Palestinian civilians and worshippers at Al-Aqsa mosque and the Al-Haram Al-Sharif compound in occupied East Jerusalem. Our group reiterates its condemnation of Israel's persistent aggression against Islamic and Christian holy places and sites in Al-Quds Al-Sharif and against the Palestinian inhabitants of the holy city of Al-Quds, which continues to cause tensions to rise and difficulties to mount for the Palestinian inhabitants of the city in all spheres of life.

The new chapter of this Israeli aggression is the ongoing saga of terror launched by the occupying Power on 27 September 2009, when it began excavation activity in a holy site, the purpose of which was to undermine the site's symbolic and sacred significance for Muslims throughout the world and for the Islamic faith itself.

Israel's current aggression against the Al-Aqsa mosque is not the first of its kind. We still recall its attempt to burn down the mosque in 1969, the excavation of a tunnel near the mosque in 1996 and the continuation of this excavation activity in 2007. In another act of aggression, on 28 September 2000, Ariel Sharon, leader of the right-wing opposition at that time, visited the Al-Aqsa mosque compound, which led to the outbreak of the second Palestinian intifada and the hampering of the peace process.

The OIC expresses grave concern about and condemns in particular Israel's illegal and intensifying colonization measures, including its ongoing settlement activities, the transfer of further Israeli settlers and the construction of the wall in the occupied Palestinian territory, especially in and around the Holy City. It also condemns Israel's escalation of its practice of demolishing Palestinian homes, the eviction of Palestinian families from the city, the confiscation of more Palestinian land, homes and properties, the illegal excavation near and beneath Al-Aqsa mosque in the Al-Haram Al-Sharif compound, the revocation of Palestinian residency rights in the city, the continued closure of Palestinian institutions in the city and the imposition of severe restrictions of movement that have isolated the city from the rest of the occupied Palestinian territories. Each one of these crimes constitutes a violation of the Geneva Conventions.

The OIC calls for the immediate cessation of all such illegal Israeli activities, in accordance with the occupying Power's obligations under international law, including the Fourth Geneva Convention and relevant resolutions of the Security Council and General Assembly and in accordance with commitments and obligations under the Quartet Road Map and in respect of the firm international consensus in this regard.

The OIC calls on the international community, and the Security Council in particular, to shoulder its responsibilities, including, in particular, towards occupied East Jerusalem, and to take urgent action to bring a complete halt to all illegal Israeli measures and actions aimed at changing the demographic composition, character, geographical nature and legal status of the Holy City and at depopulating it of its Palestinian inhabitants, entrenching the occupying Power's unlawful control of the city and thus illegally and unilaterally determining the fate of Al-Quds Al-Sharif, the capital of the future State of Palestine.

The OIC recalls paragraph 4 of resolution 2/36-PAL, adopted at the thirty-sixth ministerial meeting of the OIC in Damascus, in which the members reaffirmed that all the Israeli colonial settlement measures and practices in Al-Quds and the rest of the occupied Palestinian territories are null and void, in line with the resolutions of international legitimacy, as well as international covenants and conventions that consider all Israeli legislative, administrative and colonial settlement procedures and measures aimed at altering the legal, demographic, architectural, cultural and heritage-related status of the Holy City as null and void, and contrary to the resolutions and decisions of international legitimacy and international covenants and conventions and, therefore, as diametrically opposed to agreements signed between the Palestinian and Israeli sides. The resolution requests the Security Council to revive the International Supervision and Monitoring Committee to Prevent and Prohibit Colonial Settlement in Al-Quds and the Occupied Arab Territories.

Our group expresses its full support for the request made by the Libyan Arab Jamahiriya to convene an urgent meeting of the Security Council to consider the report of the United Nations Fact-Finding Mission in Gaza (A/HRC/12/48), known as the Goldstone report.

An important facet of the Goldstone report's findings on the causal effects of the recent Israeli aggression against Gaza, taking into account the historical perspective, serves to highlight once again that the root cause of this conflict is the Israeli occupation, and nothing else. It also confirms the fears and deep concerns of the international community about Israeli violations that amounted to war crimes and possible crimes against humanity, including wilful killings, deliberate attacks on civilian objects, wanton destruction of civilian property, indiscriminate attacks, the use of human shields and collective punishment against Gaza's civilian population in the form of a continuing blockade.

Objective and apt recommendations made in this report are not just addressed to the Human Rights Council. The report also made an inevitable request, set out in paragraph 1969, that the Security Council shoulder its responsibilities. Therefore, the Security Council must meet its responsibilities as mandated in the Charter, take all necessary actions to bring the

Israeli perpetrators of these war crimes to justice and put an end to the Israeli mindset of impunity.

The OIC once again expresses its regret at the continued non-cooperation on the part of Israel, the occupying Power, with all the independent and international missions that have been mandated to investigate human rights violations of the occupied Palestinian people. Such an attitude reflects an above-the-law mentality and constitutes a clear refusal to acknowledge the international community's human rights concerns.

The OIC remains deeply concerned by Israel's ongoing violations, by both air and land, of Lebanon's sovereignty, in breach of Security Council resolution 1701 (2006), and it calls on Israel to withdraw fully from the Lebanese land it continues to occupy in the Sheba'a farms, the Kfar Shouba Hills and the northern part of al-Ghajar village.

The OIC also reaffirms that all measures and actions taken, or to be taken, by Israel, the occupying Power, to alter the legal, physical and demographic status of the occupied Syrian Golan and its institutional structure, as well as the Israeli measures to impose jurisdiction and administration there, are null and void and have no legal effect. The OIC demands that Israel abide by Council resolution 497 (1981) — which, by the way, was adopted by consensus — and withdraw fully from the occupied Syrian Golan to the borders of 4 June 1967, in implementation also of Council resolutions 242 (1967) and 338 (1973).

The OIC calls on the international community to intensify its efforts to accelerate the achievement of a just and comprehensive peace settlement on the basis of relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Road Map. The OIC reiterates its firm and unwavering support for the just cause of Palestine. The OIC calls for the speedy realization by the Palestinian people of their inalienable rights, including their right to self-determination, with the establishment of their independent State of Palestine with East Jerusalem, Al-Quds Al-Sharif, as its capital, and for a just solution for the plight of the Palestine refugees on the basis of General Assembly resolution 194 (III).

The President: I now give the floor to the representative of Brazil.

Mrs. Viotti (Brazil): I thank you, Mr. President, for having convened this open debate on the Middle East. It is only natural that Member States be given a chance to voice their views on such a crucial issue on the international peace and security agenda. I would also like to welcome the presence of Mr. Riad Al-Malki among us today. Moreover, I express my appreciation to Under-Secretary-General Lynn Pascoe for his informative briefing.

We gather at a moment of renewed hope, but also of heightened tensions, in the Israeli-Palestinian conflict. On the one hand, the efforts of the Obama Administration led by Mr. George Mitchell and the intra-Palestinian negotiations mediated by Egypt make it possible to believe that significant progress may be achieved. On the other hand, continued difficulties in resuming direct negotiations between the parties and serious incidents on the ground, including in key holy sites, further strain the peace process.

Under these circumstances, the immediate priority must be to sustain the hope among people in the region that a peaceful solution is possible and that negotiations can and will produce concrete results.

This must be obtained through deeds. The measures needed are well known. Israel must cease all settlement activity, further ease restrictions on the movement of people and goods in the occupied Palestinian territories, abandon policies that artificially alter the demographics of the West Bank and East Jerusalem, prevent and stop violence and provocation from extremists and immediately lift the blockade on Gaza. Just as important, it must accept that there will be no true and lasting peace until there is an independent, democratic and viable Palestinian State, living side by side with Israel in peace and security within internationally recognized borders. For their part, the Palestinians must prevent and stop all violence against Israel, including rocket-launching, enhance democratic governance and overcome their divisions.

Also relevant to sustaining hope in a peaceful solution are confidence-building measures. Although they are no substitute for effective negotiations, such measures ease the state of mind, reduce mistrust and facilitate mutual understanding. Enhancing dialogue between Israeli and Palestinian civil societies, in particular journalists and political analysts, is a promising avenue. Their capacity to contribute to peace

is strong and was evident to the International Media Seminar on Peace in the Middle East, held last July in Rio de Janeiro.

All this would certainly allow for the prompt resumption of negotiations on the final status. But restarting the negotiating process, although in itself key to sustaining hope, is not enough. In order to generate the popular support that both parties will need for the difficult decisions they will eventually have to make, the talks must deliver visible gains to the ordinary citizen in the short term. Support for dialogue and compromise will be eroded if daily life conditions are not rapidly improved in the Palestinian territories or if people in southern Israel feel seriously threatened.

As soon as conditions allow, an international conference on the Middle East peace process would also serve as a powerful tool to make the negotiating process move forward. All actors in the region that are prepared to engage constructively should be given a chance to participate in such an effort. Involving other countries from outside the region in the discussions would also bring significant momentum to the talks.

The fact-finding mission headed by Justice Richard Goldstone has discharged its mandate in an effective and professional manner. It addressed violations of international human rights law and international humanitarian law committed by all sides in the context of the military operations conducted in Gaza.

The findings presented by the mission are extremely disturbing. The Human Rights Council must review them and adopt decisions that are just and effective. Its focus must be full respect for humanitarian legislation and human rights law on the ground. Its aim should be the quest for justice. That is the indispensable basis for achieving peace and reconciliation among Israelis and Palestinians.

Before concluding, I wish to say a few words about Lebanon, a country with which Brazil has strong ties. We are concerned that violations of resolution 1701 (2006) continue to take place. It is imperative that all parties involved fully and immediately comply with all the provisions of that resolution. Brazil also calls upon all parties to cooperate fully in the prompt formation of a government of national unity able to successfully address the challenges facing the country. The Lebanese people deserve no less.

The President: I now call on the representative of Sweden.

Mr. Lidén (Sweden): I have the honour to speak on behalf of the European Union (EU). Turkey, Croatia, the former Yugoslav Republic of Macedonia, Albania, Bosnia and Herzegovina, Montenegro, Serbia, Ukraine and the Republic of Moldova align themselves with this statement.

Developments over the past year have clearly shown that we must move swiftly towards a renewal of the peace process in the Middle East. The European Union urges the Palestinian Authority and the Government of Israel to enter into serious peace negotiations as soon as possible, respecting international law and previous agreements, including implementing their Road Map obligations. We hereby reiterate the need for a political solution, with an independent, democratic, contiguous and viable Palestinian State living side by side in peace and security with the State of Israel.

We welcome the commitment of the United States Administration to pursue vigorously a two-State solution and a comprehensive peace in the Middle East. The European Union is ready to work with the parties to the conflict as well as with the United States, the other Quartet members and Arab partners to achieve that goal. The EU welcomes the initial step announced by Prime Minister Benjamin Netanyahu of commitment to a peace that would include a Palestinian State.

A durable solution to the Gaza crisis has to be achieved through the full implementation of Security Council resolution 1860 (2009). The European Union remains gravely concerned at the humanitarian situation in Gaza and calls for the immediate and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from Gaza. Reconstruction and economic recovery has to be allowed. An effective mechanism to prevent ammunitions smuggling into the Gaza Strip must also be established. The European Union calls for a complete stop to all violence, including a sustained halt to rocket attacks on Israel. We reiterate our call on those holding the abducted Israeli soldier Gilad Shalit to release him without delay.

The declared readiness of the Government of Israel to promote Palestinian economic development is a positive sign. We look forward to further and

sustained improvements in movement and access in all of the occupied Palestinian territories. The Agreement on Movement and Access of 2005 must be fully implemented.

The European Union remains deeply concerned at the continued settlement activities, house demolitions and evictions in the occupied Palestinian territories, including in East Jerusalem. We urge the Government of Israel to end settlement activities immediately, including so-called natural growth, and to dismantle all outposts erected since March 2001. The EU reiterates that the settlements are illegal under international law and constitute an obstacle to peace. The European Union will not recognize any changes to the pre-1967 borders other than those agreed by both parties.

The European Union is also very concerned about the recent incidents in East Jerusalem. We have been following closely the situation around the Al-Aqsa mosque and Temple Mount/Al-Haram Al-Sharif in recent days. We urge all parties to refrain from any provocative actions that could further inflame tensions or lead to violence. Everyone must take action to avoid escalation. If there is to be genuine peace, a way must be found to resolve the status of Jerusalem as the future capital of two States.

The European Union expresses its continued encouragement for inter-Palestinian reconciliation behind President Mahmoud Abbas and its support for the mediation efforts by Egypt and the League of Arab States. Overcoming divisions among Palestinians would help prevent a deeper separation between the West Bank and Gaza and preserve the chances of restoring the unity of a future Palestinian State. The EU calls on all Palestinians to find common ground, based on non-violence, in order to facilitate reconstruction in Gaza and the organization of elections. The EU urges Arab countries and other partners to be forthcoming, both politically and financially, in assisting the Palestinian Authority. Underlining the importance of the Arab Peace Initiative, the EU reiterates its call on Israel and all Arab countries to take confidence-building measures in order to stimulate mutual trust and create an atmosphere conducive to conflict resolution.

A lasting settlement of the conflicts between Israel and Syria and between Israel and Lebanon should be pursued, creating mutually reinforcing processes. In this regard, the EU expects Syria and Israel to resume peace negotiations. The EU welcomes the formation of a new Lebanese Government as soon as possible.

The report of the United Nations Fact-Finding Mission on the Gaza Conflict contains allegations regarding grave violations of international humanitarian law. As it has said in the Human Rights Council, the EU is committed to assess the report and its recommendations seriously. We will do so based on the clear positions expressed by the European Union on the conduct of the conflict and the importance the EU that attaches to a durable peace. The EU deeply deplores the loss of life during the Gaza conflict, particularly the civilian casualties. The EU has consistently reminded all parties to the conflict of their obligations under international human rights and humanitarian law.

One of the European Union's overarching human rights priorities is combating impunity. On this basis, we call upon both parties to fully adhere to international humanitarian and human rights law. The European Union emphasizes the importance of appropriate and credible investigations into possible violations of international human rights law and international humanitarian law by the parties to the conflict in accordance with international standards, noting that the Mission directs its recommendations to both Israeli and Palestinian actors.

The Human Rights Council should ensure appropriate follow-up, in particular by assessing whether credible investigations have been conducted by both sides. During the continued consideration in the Human Rights Council, we will engage constructively in the search for a consensual resolution.

The President: I call on the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): We welcome this opportunity to address the situation in the Middle East — a crisis that dates back to the very beginning of this Organization and has been the subject of countless United Nations resolutions in this Council and in other intergovernmental bodies. While there is a stated commitment to lasting peace on the basis of a two-State solution, we have not seen a credible peace process for quite some time now — that is a process based on past resolutions and commitments and respect for international law.

We reiterate our hope for a political solution that provides for an independent and viable State of Palestine living peacefully side by side with the State of Israel, with secure and internationally recognized borders. One of the prerequisites for such an outcome is the full implementation of resolution 1860 (2009) of this Council. Nine months after its adoption, the humanitarian situation in Gaza still gives rise to serious concern.

The report of the United Nations Fact-Finding Mission on the Gaza Conflict submitted to the Human Rights Council in Geneva gives a detailed account of violations of international humanitarian law committed by both parties to the conflict. We are concerned about the findings of the report that indicate a systematic disrespect for the principle of proportionality and grave violations of international humanitarian law, including deliberate attacks on civilian institutions that led to massive civilian casualties.

The conclusion that some of the acts committed may amount to crimes against humanity is particularly disturbing to us. As a State party to the Rome Statute of the International Criminal Court, we fully subscribe to the principle that national jurisdictions have primary jurisdiction regarding such crimes and an obligation to investigate and prosecute them. We therefore support the recommendation of the Fact-Finding Mission that the parties to the conflict establish, within a set timeframe, independent investigations in conformity with international standards, of serious violations of international humanitarian and human rights law. Against that background, we welcome the pledges made by both parties to investigate and prosecute the alleged crimes.

We understand that this issue is again under consideration by the Human Rights Council in Geneva, which will convene in a special session tomorrow. But we also believe that the Security Council has an obligation in this respect. First, it must make it clear that there is no choice between peace and justice. Quite the contrary: measures taken to combat impunity will contribute to a lasting political solution in the Middle East, as accountability for serious crimes will promote confidence in the peace process.

Furthermore, this Council must insist on respect for the applicable rules of international humanitarian law, without any exception. The laws of armed conflict apply irrespective of the parties' reasons for engaging in combat — be it to fight against terrorism or to fight against foreign occupation. The protection of civilians must always be the primary consideration — in accordance with international humanitarian law and in accordance with the most basic principles of humanity.

The President: I call on the representative of the Sudan.

Mr. Mohamad (Sudan) (*spoke in Arabic*): On behalf of the Group of Arab States, I congratulate you, Sir, upon your assumption of the presidency of the Security Council this month. It is an honour to inspiring and friendly Viet Nam that we all welcome. We also welcome warmly His Excellency, Mr. Riad Al-Malki, Minister for Minister for Foreign Affairs of the Palestinian Authority.

Israel has now become the subject of discussion in the Security Council yet again, but not only because of its despicable occupation of Palestine and other Arab territories and its violation of all norms and total disregard for the United Nations and its resolutions. Israel has returned here, not through the door of the separation wall that was condemned by the international community or through its actions in taking lives and destroying crops and other practices that have been denounced in this Organization, but this time through the gateway of its shameful violations contained in the report by Judge Goldstone on Israel's war crimes and crimes against humanity committed through its barbaric campaign in Gaza.

This will not be the first or the last time in which the Security Council will discuss the situation in the Middle East, including the Palestinian question. This issue has been on the table of the Council for six decades. In all of its aspects, it constitutes a threat to international peace and security, at a time when the Security Council has been unable to assume its responsibility to compel Israel, the occupying Power, to withdraw from the Palestinian and Arab occupied territories or to enable the Palestinian people to establish an independent State, with Jerusalem as its capital, and reach a comprehensive and just settlement of the Palestinian question — which is the core of the conflict in the Middle East.

However, today's meeting acquires great and distinct importance as it coincides with the release of the Goldstone report. That represents a real challenge to the credibility of the Security Council, as noted in

the request made to the Council last week by brotherly Libya.

Israel's war in Gaza was no secret. We all witnessed it through the international media. Its terrorization and murder of civilians have been the subject of discussion everywhere. Israel launched a destructive war against Gaza that killed and maimed thousands of people, caused great destruction to infrastructure and citizens' property, and violated international, international humanitarian and human rights law and the Fourth Geneva Convention of 1949.

Nevertheless, this Council has remained virtually silent, having made no response other than to denounce and express its concern about such actions, in spite of the fact that Israeli violations against Palestinian civilians have shocked the peace-loving people of the world and all advocates of freedom, justice and human rights. Israel's actions have also placed a burden on the Security Council, which is responsible for maintaining international peace and security and to put an end to this destructive war against Gaza and to the suffering of its unarmed civilians.

In April this year, as everyone here knows, the Human Rights Council established the Fact-Finding Mission on the Gaza Conflict

> "to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after" (*A/HRC/12/48, para. 1*).

Since then, the Mission has implemented its mandate with great professionalism, in accordance with that request and reviewed all relevant materials regarding the occupied Palestinian territories and Israel. Wherever the Mission found a positive response, Israel would not permit it to receive assistance or cooperation from any party. This was not the first time that Israel has interfered in the discharge of legitimate international mandates, missions and committees, or with cooperation with United Nations bodies. Israel has always considered itself above the law. This is the culture with which we are all familiar.

The Mission looked into many incidents and conducted hundreds of personal interviews. It has reviewed hundreds of reports and photographs, as well as scores of video tapes. It has made field visits and conducted investigations on the ground. It has talked to victims, witnesses and other relevant people, and it has reached a set of factual and legal conclusions that are extremely important.

On the matter of the siege of Gaza, the report has concluded that the behaviour of the Israeli occupation forces represents a grave violation of the Fourth Geneva Convention by virtue of deliberate killings and the infliction of inordinate suffering on civilians under its authority. The report also concludes that the deliberate targeting and arbitrary killing of Palestinian civilians represent a violation of the right to life. The report also indicates that the persecution of the besieged people of Gaza under siege represents a crime against humanity.

The Mission also looked into many cases in which Israel has destroyed industrial infrastructure and food production facilities, water storage facilities, sanitation facilities, homes and even flour mills. It concludes that the violations of the Fourth Geneva Convention, the excessive and illegal destruction, and other grave violations committed undoubtedly constitute war crimes.

With regard to the destruction of Government installations and infrastructure, the report indicates that the attacks against those targets were deliberate, as were the attacks on civilian targets, in violation of international humanitarian law. It also concludes that there was a systematic policy by the Israeli armed forces to target civilian sites and that, in addition to the wide-scale destruction of homes, the Israeli army also launched a campaign of barbaric destruction of civilian installations during the final days of occupation and its withdrawal from Gaza, which the report deems to be a violation of the fundamental right of families to life and dignity.

With regard to violations against civilians, the Goldstone report also indicates that the behaviour of the Israeli forces — particularly the relentless and barbaric targeting, abuse, humiliation, persecution, collective punishment and use of Palestinian civilians as human shields — constitutes a grave violation of the Fourth Geneva Convention and a war crime. The report also clearly indicates that Israel knowingly ordered the direct bombing of mosques and hospitals and that those attacks represent deliberate aggression against civilian inhabitants and installations.

What I have noted here is probably just a small part of the truth and of the examples cited in the report. The report cites crimes against humanity and war crimes committed by Israel before, during and after the war against Gaza, within the Gaza Strip and throughout the occupied Palestinian territory, and the imposition checkpoints and restrictive measures against and repression of the Palestinian population.

The Mission also concludes that the occupying Power bears the responsibility for war crimes and crimes against humanity and that the main reason for those crimes and the suffering is the occupation itself. The report indicates that

> "Israel's continuing occupation of the Gaza Strip and the West Bank emerged as the fundamental factor underlying violations of international humanitarian and human rights law against the protected population and undermining prospects for development and peace. Israel's failure to acknowledge and exercise its responsibilities as the occupying Power further exacerbated the effects of occupation on the Palestinian people, and continue to do so. Furthermore, the harsh and unlawful practices of occupation, far from quelling resistance, breed it, including its violent manifestations. The Mission is of the view that ending occupation is a prerequisite for the return of a dignified life for Palestinians, as well as development and a peaceful solution to the conflict." *(ibid., para. 1897)*

None of these Israeli measures has weakened the resolve of the Palestinian people, which has stood fast in demanding its right to dignified life. The Mission's report also indicates that "[t]he Mission was struck by the resilience and dignity shown by people in the face of dire circumstances" (*ibid., para. 1898*).

The Mission's legal conclusions and citations of violations put the Council in a position of historic responsibility and require it to address these conclusions and to support the resolute and steadfast demand of the Palestinian people to its legitimate right to self-determination, to establish its independent State and to achieve a comprehensive and just peace, including Israel's withdrawal from all Arab territories occupied since 1967, in accordance with the relevant resolutions of this Council and the General Assembly.

The very fact that some parties have been trying to find a way to prevent the Goldstone report from being considered has sent the wrong message to Israel. It was not enough for that country to launch a destructive war against Gaza and its women and children; it had to begin another war against Al-Quds Al-Sharif, destroying homes, Judaizing the holy city and continuing its settlement activities, its excavations under the Al-Aqsa mosque and its siege against those who pray there, in another catastrophe for the Palestinian people.

We call on the Security Council to shoulder its responsibility before it is too late and before it has to meet again after the blood of martyrs has been spilled and the cries of children and women have been heard and their anguish seen. The situation in Jerusalem is extremely grave, and Israel's practices will unleash a catastrophe. The Council must shoulder its responsibility and respect its commitments by putting an end to Israel's excavations under the Al-Aqsa mosque, the suffering of the people who pray there, the destruction of homes, and above all else the occupation.

Furthermore, the Arab Group wishes to reiterate once again that all actions by Israel to alter the legal, physical or demographic character of the occupied Syrian Golan and all measures taken by Israel to impose its legal authority there are null and void. We also wish to emphasize once again that the building and expansion of Israeli settlements in the occupied Syrian Golan constitute a challenge to the international community and a grave violation of international law, the Charter of the United Nations, the relevant resolutions, including Security Council resolution 497 (1981), and the Fourth Geneva Convention. We call on the members of the Security Council to shoulder their responsibility by compelling Israel to comply with resolution 497 (1981) and fully withdraw from the Syrian Golan to the borders of June 4 1967. We also call for an Israeli withdrawal from all occupied Lebanese territories, including the Shaba'a farms, the Kafr Shuba Hills and Al-Ghajar village.

From Israel's assassination of United Nations representative Count Bernadotte early in its occupation of Palestine to its destruction of the homes of children and schools of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, Israel has posed a grave threat to the peace and security of the region and of the entire world, disregarding the authority of this international Organization. The Security Council bears a responsibility to restore the

Organization's credibility, which has been gravely damaged by Israel, and should do so today, not tomorrow. The Goldstone report provides the Council with a final opportunity to restore that essential credibility and to refute all claims that justice was politicized in the report. Will the Council do that? We hope so.

The President: I now call on the representative of Nicaragua.

Mrs. Rubiales de Chamorro (Nicaragua) (*spoke in Spanish*): At the outset, I wish to congratulate you, Sir, a representative of the honourable people and Government of Viet Nam, on your assumption of the presidency of the Security Council. We are confident that your leadership will make significant contributions to the urgent issue before us. We thank the delegation of the Libyan Arab Jamahiriya, without whose participation and initiative we would not be debating this issue today.

We align ourselves with the statement made by the representative of Egypt, current Chair of the Non-Aligned Movement. It was a broad and principled statement expressing the positions of our Movement on all key issues related to the situation in the Middle East, including the question of Palestine. It was fully in keeping with my country's principled position, in particular our recognition that Israel has not abandoned its policies and practices aimed at perpetuating the occupation of all Palestinian territories and other Arab territories occupied in Syria and Lebanon; its ongoing obstacles to serious peace negotiations in the Middle East; its continued policy of building rather than dismantling settlements; its ongoing blockade of Gaza; its practices in violation of the status of Jerusalem; or its reprehensible ethnic cleansing of that city's legitimate Arab and Palestinian inhabitants — all to prevent the establishment of a Palestinian State and the achievement of peace in the region.

There is a universal consensus in favour of reversing this situation on the basis of negotiations and the establishment of two States. Only Israel is opposed to that consensus. The Security Council cannot maintain its passive attitude of the past, allowing Israel to manipulate the situation in the Middle East and to perpetuate its occupation, in violation of the Charter of the United Nations and all norms of international law. Israel's latest war crimes, committed during its invasion of Gaza in December, exhausted the patience of the international community.

In the light of this most recent crime against humanity, the Human Rights Council, of which Nicaragua is a member, decided to establish a fact-finding mission, led by Judge Goldstone, to investigate all violations of international law, human rights and international humanitarian law that may have been committed at any time in the context of the military operations carried out by Israel in Gaza from 27 December 2008 to 18 January 2009.

The report (A/HRC/12/48) concludes, inter alia, that serious violations of international law were clearly committed by Israel during the conflict in Gaza and that Israel committed acts that constitute war. The report is yet further testimony to all the crimes committed by Israel.

The recommendations of the Goldstone mission should be followed by all United Nations organs, in particular the Security Council, and all possible legal measures should be taken to put a definitive end to all of Israel's human rights violations in the occupied territories. The consideration of the report should result in unequivocal action by the Security Council that puts an end to Israel's impunity and its practices and policies of the past 60 years; it must also ensure the necessary accountability and justice. The Security Council would be an accomplice in the crimes described in Judge Goldstone's report if the decisions necessary for the implementation of its recommendations were not adopted.

The President: I now call on the representative of Indonesia.

Mr. Natalegawa (Indonesia): Let me begin by expressing the appreciation of my delegation to you, Mr. President, and to the other members of the Council for convening this pertinent and timely meeting. We thank Under-Secretary-General Lynn Pascoe for his briefing. We wish in particular to welcome the participation of Mr. Riad Al-Malki, Minister for Foreign Affairs of the Palestinian National Authority, and to underscore the importance of the statement he made this morning.

My delegation wishes also to associate itself with the statements delivered by the representative of Egypt on behalf of the Non-Aligned Movement and by the representative of the Syrian Arab Republic, speaking in

his capacity as Chair of the Organization of the Islamic Conference.

Indonesia appreciates the thorough, analytical and comprehensive report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), chaired by Justice Richard Goldstone. Indonesia is gravely concerned and dismayed over the findings of the investigation. The report describes Israel's activities as a deliberate assault aimed at punishing, humiliating and terrorizing a civilian population and radically diminishing its local economic capacity. The effect is to force upon the people of the Gaza Strip an ever-increasing sense of dependency and vulnerability, an excessive and disproportionate use of force, and a policy of collective punishment. In short, Israel has committed a variety of crimes, including war crimes, in violation of international law and international humanitarian law, as well as the Fourth Geneva Convention.

Israeli military operations in Gaza from 27 December 2008 to 18 January 2009 worsened the already dire humanitarian situation there. Indeed, the illegal blockade and closure of the Gaza crossings by Israeli authorities persist. Their grave humanitarian impact on the Palestinian people hardly needs recalling. Not least are its damaging consequences in further sowing the seeds of animosity and propelling the cycle of violence in the region.

In this context, my delegation would like to reaffirm in the clearest manner possible its outrage at and strong condemnation of the military onslaught by Israel in the Gaza Strip. We therefore commend the Fact-Finding Mission for its recommendations and urge all parties concerned to pay the utmost attention to the report's conclusions and follow up its recommendations accordingly.

The Mission's report states that Israel's continued occupation of the Gaza Strip and the West Bank constitutes the fundamental factor underlying violations of international humanitarian and human rights law, and that ending the occupation is a prerequisite for the restoration of a dignified life for the Palestinians, as well as for development and a peaceful solution to the conflict.

We are in full agreement with such observations. The conflict in the Middle East has indeed been going on for far too long. For 60 years, the illegal Israeli occupation has made the region a theatre of tension and violence. The core issues — the status of East Jerusalem, the borders of a Palestinian State, settlements in the West Bank, Palestinian refugees, security and water resources — remain unresolved. For many years Indonesia has joined the international community in drawing attention to the consequences of Israel's continued illegal activity in Arab occupied territories. We therefore support the current surge in diplomacy aimed at relaunching negotiations and jumpstarting a comprehensive peace process, as demonstrated by ongoing efforts, particularly those of the United States.

One of the core issues that require urgent attention is Israeli settlement activities in the Palestinian territory. Israel's settlement policies and practices, which have been aimed at altering the demographic composition, physical character and status of Palestinian territory, including East Jerusalem, are a blatant violation of international law. The settlements are the greatest obstacle to the establishment of a physically viable, sovereign and independent Palestinian State, and thus to the achievement of peace. This issue is intricately related to nearly all other final-status issues.

If Israel has a genuine commitment to peace, it must stop all settlement construction, expansion and planning in the occupied Palestinian territory, including East Jerusalem, and dismantle the settlements built therein. For these reasons, we attach primary importance to the role of the Security Council in responding to the settlement issue, as it did in 1980 through its resolution 465 (1980). The Security Council must regain its role in resolving this very important issue.

We also wish to urge the Palestinians who have been involved in the reconciliation talks for many months not to relent in those efforts, as facilitated by Egypt. Palestinian unity is all the more crucial in the face of the present challenges. In this regard, it is our hope that, as they prepare to hold Palestinian Authority presidential and parliamentary elections in January 2010, the negotiating factions will continue to focus on the critical importance of unity among all Palestinians.

Finally, my delegation wishes once again to express its concern over Israel's ongoing land and air violations of Lebanon's sovereignty, in violation of Security Council resolution 1701 (2006). We call on Israel to withdraw fully from the remaining occupied Lebanese land, and we wish to make a similar call for

Israel's withdrawal from the occupied Syrian Golan, in implementation of Security Council resolutions 242 (1967) and 338 (1973).

The President: I now call on the representative of South Africa.

Mr. Sangqu (South Africa): We wish to congratulate you and your country, Mr. President, on your assumption of the presidency of the Council this month. We welcome the opportunity to participate in this debate on the situation in the Middle East, including the Palestinian question.

South Africa aligns itself with the statement delivered by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement. We thank Mr. Lynn Pascoe for his briefing to the Council this morning; we also wish to express our appreciation for the presence of the Palestinian Foreign Minister and to thank him for his statement.

The current situation in the Middle East should be understood in the context of the ongoing Israeli military occupation of the Palestinian territory and other Arab territories, which dates back to 1967, and the associated denial of the right to self-determination of the Palestinian people. Israel's track record of disregarding international law and the failure of the Security Council to take any meaningful action in response are the key factors contributing to the lack of progress in the peace process. It is essential to the maintenance of international peace and security that all parties fully respect and meet their obligations under international law, including international humanitarian and human rights law, and that the Security Council discharge its mandate under the United Nations Charter without selectivity or double standards.

South Africa condemns the continuing Israeli blockade of Gaza and the ongoing construction and expansion of illegal settlements in the West Bank and East Jerusalem. The continuing construction of the separation wall and intensified home demolition programmes that we are currently witnessing in East Jerusalem constitute serious violations of international law, as definitively clarified in the Advisory Opinion of the International Court of Justice of 9 July 2004. My delegation is also concerned about the recent Israeli provocations in East Jerusalem. These activities undermine all efforts to achieve peace between the Palestinian and Israeli peoples.

The South African Government has condemned the acts of aggression, as well as the gross and systematic violations of human rights, in the occupied Gaza Strip during the incursion by the Israeli Defense Forces there in the latter part of December and earlier this year, leading to massive loss of innocent lives and the displacement of thousands of Palestinians. In an act of disregard for its obligations under international humanitarian and human rights law and towards the international community, the Israeli Defense Forces attacked the school facilities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and destroyed Palestinian infrastructure. We welcomed the decision of the Secretary-General to establish and dispatch a Board of Inquiry to Gaza. However, we regret that its findings and recommendations have yet to be implemented.

The South African Government has studied the report (A/HRC/12/48) of the United Nations Fact-Finding Mission on the Gaza Conflict in detail. My delegation wishes to acknowledge with appreciation the outstanding manner in which Justice Richard Goldstone and other members of the Mission discharged their mandate under difficult circumstances. South Africa unequivocally endorses the findings and recommendations contained in the report. We reiterate our full confidence in Justice Goldstone, recalling the prominent role he played in our country's transition to democracy and his work on many other international issues, including the International Criminal Tribunals for the former Yugoslavia and Rwanda.

As Justice Goldstone has said, "a culture of impunity in the region has existed for too long. The lack of accountability for war crimes and possible crimes against humanity has reached a crisis point". We therefore call upon the Security Council to discharge its Charter-mandated responsibilities with respect to this crisis, which has gone on for far too long.

This year marks the sixtieth year anniversary of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). We commend UNRWA for its invaluable humanitarian and development assistance to the Palestinian refugees over the past six decades. South Africa remains committed to contributing to the UNRWA General Fund on an annual basis in recognition of the Agency's invaluable assistance to the most vulnerable Palestinians.

South Africa has consistently demonstrated our unwavering support for the right of the Palestinian people to a viable State of their own. We believe that a vision of peaceful coexistence between Israelis and Palestinians, based on the creation of a Palestinian State coexisting peacefully alongside Israel on the basis of the 1967 borders, with East Jerusalem as its capital, is the only sustainable solution to this conflict. We remain convinced that negotiations are the only way to end the conflict and the occupation of the Palestinian and other Arab territories.

South Africa continues to support a negotiated solution to the Israeli-Palestinian conflict, in line with international resolutions and initiatives such as Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), General Assembly resolution 194 (III) and the Arab Peace Initiative. We look forward to a day when the bloodshed ends and two States, Palestine and Israel, are able to coexist in peace and security, within internationally recognized borders.

The President: I now call on the representative of Cuba.

Mr. Núñez Mosquera (Cuba) (*spoke in Spanish*): Allow me to express my congratulations to Viet Nam for its presidency of the Council for the month of October and to welcome the presence in this Chamber of His Excellency Mr. Riad Al-Malki, Minister for Foreign Affairs of the Palestinian National Authority.

The situation in the occupied Palestinian territory, including East Jerusalem, continues to be marked by violence and instability. The lack of respect for international law by Israel, the occupying Power, and its ongoing illegal occupation of Palestinian and other Arab territories remain the major obstacles to achieving a just, lasting and comprehensive peace in the region.

Cuba appreciates the presentation of the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48) — the Goldstone report. It is an objective and legally rigorous document, drafted with professionalism and impartiality.

Israel's rejection of the conclusions of the Fact-Finding Mission and its reluctance to cooperate in their implementation corroborate that Government's lack of respect for the will of the overwhelming majority of the international community and its disregard, once again, for General Assembly and Security Council resolutions and decisions. In addition, it continues to enforce a criminal blockade against the population of Gaza.

With its military aggression of last December and January, Israel not only flagrantly violated international law, including its legal obligations as the occupying Power, but also perpetrated war crimes and crimes against humanity. Those responsible for those barbarous acts have not been prosecuted and remain unpunished. Such impunity is possible only because of the protection that Israel receives from the superpower that continues to supply the financial resources and armaments with which Israel carries out its aggressive policy.

The Mission has confirmed that both the previous blockade and the aggression against the Gaza Strip constitute a form of collective punishment against the Palestinian population in Gaza, and that they were conceived for that very purpose by the authorities of Israel.

The report not only provides evidence of Israel's numerous violations of international humanitarian law, including the principles of distinction and proportionality; it also demonstrates that there was a clear intention to attack civilian objectives, as evidenced by the order given to soldiers to make no distinction between military and civilian targets.

The devastating machinery of war of the occupying Power destroyed everything in its path. In addition to the more than 1,400 deaths — including more than 300 children — caused by these acts of aggression, schools, hospitals, houses, public buildings, food supply facilities, water purification systems, factories and the economic infrastructure in general were irrationally destroyed. That was done with the clear intention of making life increasingly difficult for the Palestinian people, undermining their dignity, plunging them into terror, radically reducing their capacity for development and increasing their dependence and vulnerability.

We must also not forget that this is not the only report that very clearly documents the barbarity of the occupying Power in Gaza. Suffice it to recall that the report of the mission sent by the Secretary-General to investigate the attacks on United Nations premises in the Gaza Strip produced identical conclusions. Cuba strongly condemns those acts and urges the international

community to ensure that those responsible are prosecuted with the severity these crimes require.

Likewise, we once again call on Israel, the occupying Power, to put an end to all its violations of the rights of the Palestinian people in the occupied Palestinian territory, including East Jerusalem, and to scrupulously abide by its obligations under international law, particularly international humanitarian law and human rights norms.

In serious violation of international law and in contradiction with the objectives of the peace process, Israel, the occupying Power, continues its illegal construction of settlements and of the wall along the West Bank, especially in and around East Jerusalem. That makes the present situation unstable and dangerous, with the illegal acts of incitement, provocation and aggression carried out by extremist settlers against the population and sacred sites.

Cuba remains concerned about the huge physical, economic and social devastation caused by these illegal and destructive colonization practices, which have grave ramifications for the peace process.

Cuba reaffirms that all measures or actions taken or to be taken by Israel, the occupying Power, with the purpose of modifying the legal, physical and demographic situation or the institutional structure of the occupied Syrian Golan, and Israeli measures to impose jurisdiction and administration there, are null and void and have no legal effect.

We also reaffirm that all those measures and actions, including the illegal construction and expansion of Israeli settlements in the Syrian Golan since 1967, constitute violations of international law, international agreements, the Charter, United Nations resolutions — including Council resolution 497 (1981) — and the Fourth Geneva Convention, as well as a challenge to the international community. Cuba demands that Israel withdraw completely from the occupied Syrian Golan to the borders of 4 June 1967.

We hope that current and future efforts undertaken by the international community put an end to the Israel's occupation of all Arab territories since 1967. We are convinced that the independent State of Palestine, with East Jerusalem as its capital, will become a reality sooner rather than later.

The President: I call on the representative of Pakistan.

Mr. Haroon (Pakistan): On behalf of my delegation, I would like to congratulate you, Sir, on your skilful steering of this Council and express our gratitude to you for convening this meeting.

I should like to welcome Mr. Al-Malki to the Security Council. It is a pleasure to have him with us. I should also like to thank Mr. Lynne Pascoe in absentia for starting the meeting off this morning.

It would not be unjust to say that we associate ourselves completely and wholeheartedly with the statements made by the representative of Egypt on behalf of the Non-Alignment Movement and by the representative of Syria on behalf of the Organization of the Islamic Conference.

It has been a long-held common objective of the international community to find a comprehensive peace in the Middle East. Earlier this year, this Chamber witnessed discussions at length on this very subject and, in fact, it is a very sad statement on what we are doing here today that we continue to discuss the same subject, with all its very important components and aspects that create for the international community a problematic situation that just does not go away but festers and festers.

The consequences of our inadequate response create, to my mind, a situation wherein the people of the area wait endlessly for social justice and for the rights and causes which they uphold as completely principled to be given in effect some recognition by this Chamber. Unfortunately, that has not yet happened, and as we sit here today, we express our serious concerns over the ongoing humanitarian situation in Gaza and the West Bank, where the people endure threats to their lives, liberty and livelihoods. The closure of Gaza's borders to the free flow of people and commerce has strangulated the local economy and public services and is a continuing threat to human security.

Amidst this great human tragedy, when I spoke here last year I reminded the people of Israel of their background, their culture and their deep belief in taking the right path. I said to them, and repeat here again today, that the magnificent report (A/HRC/12/48) of the United Nations Fact-Finding Mission on the Gaza Conflict, headed by Mr. Goldstone, speaks volumes about what people can achieve if they rise above it all and wish to see the entire situation from above, and not just subjectively. I think the report, in

the manner in which it reflects the situation, deserves commendation by this house. It deserves to be commended and read in complete understanding and without reservation, because it speaks in a very strong and truthful voice.

If this house will not recognize the great work on the subject put together by its own rapporteurs, let me say that not much of what the report describes is unknown to us. We have spent months deliberating on these issues in committee and in this Council Chamber, but all I can say is that we do not somehow seem to have the eyes to read, the ears to hear or the lips to speak.

I believe that while we speak to condemn what is happening, we must also be more progressive and try to move beyond this phase. I should like to raise before this house today issues that can re-engage this Council, and I would set out four parameters for its consideration that should, in a way, be beneficial to the working of this house.

First, the Security Council, especially its five permanent members, should show the political will to achieve real progress towards peace and security in the Middle East. It is important that the Council seek firm commitments from relevant parties to relaunching negotiations aimed at achieving the two-State solution. To start afresh, we do not have to reinvent the wheel. The framework for peace is already determined in the relevant resolutions of the Security Council, as well as in the Madrid terms of reference, the Road Map, the Arab Peace Initiative and the understandings reached in Annapolis in 2007.

Secondly, the Middle East Quartet must utilize the full potential of its statement of 24 September 2009 and support the peace process through a transparent and objective engagement.

Thirdly, there is a pressing urgency to address the humanitarian plight in the Palestinian territories and to rebuild the Palestinian institutions battered by conflict and violence. We must support the efforts to achieve intra-Palestinian reconciliation, which is also a prerequisite for credible and comprehensive peace. We urge our Palestinian brothers to put aside their differences and pool their energies in the pursuit of peace.

Lastly, to achieve a lasting settlement of the Arab-Israeli conflict, it is imperative to address its root cause, which is the Israeli occupation of the Arab territories. The solution therefore requires Israel's complete withdrawal from the occupied Palestinian territory, including East Jerusalem, and other occupied Arab territories, including the Syrian Golan. Israel should also immediately cease all settlement activities. Crucial to this equation would be parallel progress on the Syria-Israel and Lebanon-Israel tracks in order to achieve comprehensive peace in the Middle East.

It is the sincere belief of my delegation that a sustained engagement by the international community and the Security Council on the parameters I have outlined will lead to the political settlement that we have long hoped for and dreamed of.

The President: I now give the floor to Mr. Yahya Mahmassani, Permanent Observer of the League of Arab States to the United Nations.

Mr. Mahmassani (*spoke in Arabic*): I thank you, Sir, for having convened this meeting and for inviting us to participate in the Security Council's discussion of the situation in the Middle East, including the Palestinian question, following the issuance of the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48).

We welcome the Minister for Foreign Affairs of the Palestinian National Authority, Mr. Riad Al-Malki, and thank Under-Secretary-General Pascoe for his briefing.

The destructive invasion of Gaza, the policy of blockade that has deprived its people of their basic necessities, and the violation of their basic rights guaranteed under international treaties and instruments prompted the international community to send the Fact-Finding Mission to Gaza, under the chairmanship of Judge Goldstone. The Mission was inspired by international humanitarian law and international human rights law, as well as by the commitment of States, especially those occupying other countries, to the principle that occupying authorities bear responsibility for violations against civilian populations. The report concluded that Israel deliberately targeted civilians in Gaza during its invasion, using them as human shields.

These practices constitute war crimes under the Rome Statute of the International Criminal Court (ICC). The use of disproportionate force, acts of aggression against civilians, the destruction of private property and civilian infrastructure are all forms of

illegal behaviour, and such acts run counter to international law as well as the Charter of the United Nations.

Every time a decision is taken or a report is drawn up on its practices, Israel behaves as if it were above the law. This situation of unaccountability unfortunately allows impunity to prevail and undermines the credibility of the United Nations. It is high time for the Security Council to put an end to this culture of protecting Israel from the consequences of its actions in the region, and it is high time to bring to justice the perpetrators of violations of the provisions of international humanitarian law and international human rights law in order to put an end to Israel's impunity.

The Fact-Finding Mission concluded that the grave violations of international humanitarian law fall within the remit of the ICC and underscored its belief that there was a need to take specific measures to end impunity, which would stand as guarantees against the repetition of such practices in the future, contribute to putting an end to violence against civilians and promote and maintain peace. The objective of the report is to ensure that the perpetrators of war crimes are brought to justice, and such an objective does not hinder efforts to make peace.

Respect for international humanitarian law cannot serve as an obstacle to peace, and peace cannot run counter to the respect of the rights of the Palestinian people in the occupied Palestinian territories. We thus call for the implementation of the recommendations of the report.

In addition to its aggression against Gaza, Israel continues its policy aimed at Judaizing Jerusalem by confiscating land, expelling its inhabitants, isolating the city, stepping up settlement activity in and around Jerusalem and building a separation wall.

Israeli practices in the Holy City continue, excavation work is under way and the Arabic-Islamic character of Jerusalem is being changed. Jerusalem and Al-Aqsa are of special importance and significance to all Arabs and Muslims, and they form a red line that cannot be stepped over.

We are stunned by the silence of the Security Council in the face of Israel's behaviour and its actions against the city in violating its Holy Sites and in attempting to Judaize it. We ask the Security Council to respect its obligations and put a freeze on Israel's settlement policy and its policy to Judaize Jerusalem.

The Fourth Geneva Convention is applicable to both Jerusalem and all of the occupied Palestinian territories. The core of the Israeli-Palestinian conflict lies in the occupation by Israel of Palestinian and Arab territories. As a result of this occupation, our region has suffered a number of wars and a number of tragedies and crises. All attempts to find peace in previous years have failed owing to the intransigent position of Israel and the fact that it does not take the peace process seriously.

The situation in the Middle East is in a critical phase. Efforts are under way to restore peace through negotiations and to find a just and lasting solution to the Israeli-Palestinian and Arab-Israeli conflicts, in accordance with international law and the Arab Peace Initiative. If these efforts are not successful, the impasse could lead to a deterioration of the situation, a resumption of violence and instability in the region.

The President: I now give the floor to Mr. Paul Badji, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

Mr. Badji (*spoke in French*): In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, allow me, Mr. President, to congratulate you on your assumption of the presidency of the Security Council for the month of October. I am confident that under your able leadership the work of the Council will be successfully carried out.

I wish also to take this opportunity, Sir, to congratulate your predecessor, Ambassador Susan Rice, Permanent Representative of the United States of America, on the efficient and exemplary manner in which she steered the work of the Council during the month of September.

I would like to welcome the presence at this meeting of the Security Council His Excellency Mr. Riad Al-Malki, Minister for Foreign Affairs of the Palestinian Authority, and express my appreciation to Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, for his report.

On behalf of the Committee, I would like to express my appreciation for the convening of this extremely important debate on the situation in the Middle East, including the question of Palestine, which

continues to be a burning issue. In my statement today I shall not belabour the issue of how many times over the years the Council has taken up issues related to the status of Jerusalem nor of how effective its intervention has been. But I shall certainly call on the Council to follow up this monthly discussion with a concrete decision that would help to bring about an appreciable and positive change on the ground and thereby move the political process forward.

The Council's latest decision on the issue, resolution 1860 (2009), dated 8 January 2009, spelled out a number of necessary steps in that direction. Regrettably, they have, for the most part, remained unfulfilled. The situation in Gaza is still devastating. Reconstruction work has not yet begun. Israel continues its blockade of the territory. There are at present no signs that a genuine political dialogue, let alone serious negotiations on all permanent status issues between Israel and the Palestinian Governments, is about to begin.

This situation allows the illegal Israeli occupation of Palestinian land to perpetuate. Settlement construction in the occupied West Bank continues, with hundreds of new housing units being built and new construction projects approved by the Israeli occupiers.

The situation in occupied East Jerusalem is deteriorating by the day. Only last week, the Bureau of our Committee issued a statement in which it expressed alarm at the serious worsening of the situation in East Jerusalem and called attention to the ongoing demolition of houses, expulsion of Palestinian residents, construction of settlements and transfer of settlers aimed at altering the status, physical nature and demography of the holy city.

The Bureau stated that those policies and actions constitute violations of international law and that the occupying Power must immediately put an end to them. Those policies and those actions have also invalidated the considerable efforts made by the Quartet and its partners to give fresh momentum to the permanent status negotiations. Moreover, they have again called into question the credibility of the official statements of the Israeli Government regarding its will to resume serious negotiations towards reaching a two-State solution.

As our Committee has underscored on numerous occasions, the continuing occupation of the Palestinian territories, which embrace the Gaza Strip and the West Bank, including East Jerusalem, is a violation of international humanitarian law. The relevance of the Fourth Geneva Convention to the Israeli occupation of the Palestinian territory has been confirmed by the high contracting parties and by the Security Council. The military invasion of Gaza by the Israeli army during Operation Cast Lead demonstrated that Israel flouts its obligations and responsibilities under international humanitarian law. That is also borne out by the number of dead and wounded among the population of the Gaza Strip, mainly civilians, and by the extensive and deliberate destruction of property and infrastructure.

The international community reacted promptly and unanimously to the violations carried out in Gaza. Several fact-finding missions have been dispatched by different international bodies in recent months in order to establish the facts surrounding the events of December 2008 and January 2009. The results of those inquiries have brought to light a very large number of violations of international humanitarian and human rights law, and even war crimes, committed by both parties to the conflict. Civil society organizations have drawn up reports that all conclude that egregious violations of international law were indeed committed.

Our Committee has commended the work of those fact-finding missions and supported calls for accountability. Last July in Geneva, our Committee convened the United Nations International Meeting on the Question of Palestine, which brought together renowned international experts and the representatives of Member States and of intergovernmental and civil society organizations. The participants in that meeting called for the implementation of the recommendations of all United Nations fact-finding missions and urged all States to honour their commitments under the Geneva Conventions and other legal instruments.

On 15 September, the United Nations Fact-Finding Mission, established by the Human Rights Council and chaired by Justice Richard Goldstone, presented its report on the Gaza conflict (A/HRC/12/48). It is a very comprehensive document that merits thorough study. The report ends with a set of recommendations, some of which are directed at the parties to the conflict, some to the international community and others both to the parties to the conflict and to the international community. Those recommendations should be considered by the competent bodies and given the necessary follow-up.

Our Committee believes that the perpetrators of serious crimes, whatever side they may be on, must be brought to justice and held accountable for their acts. The Committee calls for resolute action by the international community to ensure full and complete adherence to and respect for the norms of international humanitarian law. In particular, the Committee asks the high contracting parties to the Fourth Geneva Convention immediately to fulfil their obligations under common article 1 to the 1949 Geneva Conventions, which requires the high contracting parties to respect the Convention and ensure respect for it in all circumstances.

The United Nations, in particular the General Assembly, the Security Council and the Human Rights Council, should be invited to consider what steps to take to effectively address violations of international law. A negotiated solution to the Israeli-Palestinian conflict has to be based on the principles of international law, which must be scrupulously observed.

The international legal system can achieve its purpose only by ensuring respect for international law, including international humanitarian and human rights law. Indeed, international justice can be restored only if all actors of the international community are resolved to end impunity by calling for the perpetrators of violations of international law to answer for their actions. The Security Council, which, under the terms of the United Nations Charter, is charged with the maintenance of international peace and security, must take the lead role in that vitally important undertaking.

The President: I now give the floor to the representative of the United Republic of Tanzania.

Mr. Idd (United Republic of Tanzania): I wish to thank you, Mr. President, for organizing this open debate on the situation in the Middle East, including the Palestinian question. The Security Council's consideration of this matter demonstrates its determination to seek a lasting solution for peace and security in the Middle East region. Tanzania aligns itself with the statement made by the representative of Egypt on behalf of the Non-Aligned Movement.

The statements made by the Minister for Foreign Affairs of Palestine and the Permanent Representative of Israel show that both parties want peace and security in the Middle East region. The only remaining issue is how to conclude the ongoing process so as to achieve that goal. My delegation welcomes the various efforts made by the United Nations, the European Union, the United States, the Russian Federation, Egypt and other regional players in their different initiatives, searching for durable peace and security in the region.

Tanzania reiterates its concern with regard to the situation in the occupied Palestinian territory, including East Jerusalem, as a result of continuing unlawful activities by Israel. In particular, we are very concerned by the ongoing Israeli actions in support of illegal settlements in the heart of East Jerusalem. We urge the Israeli Government to lift the embargo it has imposed on Palestinians and to open without delay all border crossings to allow the free movement of goods and persons and, most importantly, humanitarian assistance for the Palestinian civilians.

We call upon the international community, in particular the Security Council, to fulfil its responsibilities and to take the necessary action to pressure Israel, the occupying Power, to act in accordance with all of its legal obligations and commitments under the Quartet Road Map as enshrined in resolution 1515 (2003). We encourage all parties involved in the process to exercise restraint, observe a permanent ceasefire and embark on sincere dialogue to negotiate the implementation of the Road Map. In that regard, we urge the leadership on both sides of the conflict to avoid inflammatory statements and stop all forms of violence, especially against innocent civilians, such as women and children.

In conclusion, we take this opportunity to reiterate our support for the peace process and the right of the Palestinians to regain their fundamental rights, including the right to existence as an independent State living in peace and security side by side with Israel.

The President: I now give the floor to the representative of Iceland.

Mr. Pálsson (Iceland): The situation in the occupied Palestinian territory remains of grave concern and continues to threaten stability far beyond the region. Although Operation Cast Lead has ended, the people of Gaza remain besieged by limited freedom of movement, import restrictions on even the most basic necessities, the near-total prohibition of export, and the reversal of economic development. For the ordinary civilians of Gaza, the situation remains unacceptable by international standards.

Meanwhile, the closure regime is still operating in the West Bank. Iceland remains deeply concerned by the continued house demolitions, evictions and settlement activities in the occupied Palestinian territory, including in East Jerusalem. An immediate end must be put to settlements and impunity. The prolonged climate of impunity has created a crisis of justice in the occupied Palestinian territory that needs to be addressed.

Iceland fully recognizes Israel's legitimate security concerns, including over weapons smuggling and the unacceptable firing of rockets from Gaza, which destroy and endanger the lives of innocent civilians. At the same time, such violations do not justify the disproportionate use of force or the breaching of international humanitarian and human rights law.

The comprehensive report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48) has concluded that there is evidence indicating serious violations of international human rights and humanitarian law committed both by Israel during Operation Cast Lead and in the West Bank, as well as by Palestinian armed groups in their repeated launching of rockets into southern Israel. The report deserves serious consideration and follow-up. The conclusions drawn require concrete action and the establishment of a credible system of investigation into the alleged violations. Every Member State must commit itself to full cooperation with the United Nations.

Iceland deems it imperative that every effort be made to bring the human tragedy in the occupied Palestinian territory to an end through negotiations and mediation. The international community must step up pressure on both sides and revitalize the peace process. More needs to be done, in particular by the Security Council, through a concerted effort to actively further the goal of ending the occupation and achieving a two-State solution, which is a prerequisite for durable peace. The political momentum that has been created must not be allowed to fade.

The President: I now give the floor to the representative of Switzerland.

Mrs. Grau (Switzerland) (*spoke in French*): I would like to thank you, Mr. President, for the opportunity for Switzerland to express its views on the situation in the Middle East. That region continues to be prey to strong tensions that give rise to instability and suffering, in particular among the civilian population. The difficulty of forming a Government in Lebanon, in spite of the free and transparent elections held there in June, and the precarious status of the ceasefire between Israel and the Gaza Strip are both strong indicators of this recurrent instability.

Switzerland expresses its serious concern with regard to the situation prevailing throughout the occupied Palestinian territory. It has proved impossible to achieve any significant progress towards a sustainable response to the humanitarian situation in Gaza or the reconstruction and economic development needs of its population. We also note that Israel is not honouring its obligations under international law and that the construction of settlements, including in East Jerusalem, continues in contravention of the law.

Recent events in relation to the Temple Mount/Al-Haram Al-Sharif, as well as consideration of the report (A/HRC/12/48) of the independent United Nations Fact-Finding Mission on the Gaza Conflict from December 2008 to January 2009, demonstrate the need for a resumption of the peace talks and the urgency of finding a negotiated solution to the conflict.

Switzerland welcomes the Goldstone Mission's investigation of the allegations of violations committed by all the parties. However, we are preoccupied by the Mission's finding that very serious crimes were committed by the various parties in the context of the conflict in Gaza. It would be irresponsible not to follow up that finding.

It is vital that all parties to the conflict adopt forthwith the measures necessary to launch independent inquiries in conformity with international standards. They bear primary responsibility to follow up. If the parties to the conflict are unable or unwilling to meet their obligation to bring to justice those suspected of having committed serious violations of human rights and international humanitarian law, it is up to the international community to ensure that such violations do not go unpunished.

In our view, it is essential, first, to urge the parties to the conflict to adopt the appropriate measures, within a specified time frame, to open independent inquiries that meet international standards; and, secondly, to consider the establishment of an independent committee of international humanitarian

law and human rights experts to supervise any judicial proceeding undertaken by the parties to the conflict.

To conclude, the quest for a negotiated solution to the Israeli-Palestinian conflict can never be imposed to the detriment of the main goal of seeking justice and fighting impunity. Following up the Goldstone Mission in a serious way would indicate the international community's will to actively promote a lasting solution to the Israeli-Palestinian conflict.

The fight against impunity is, however, just one component of this solution. Intra-Palestinian reconciliation remains a cornerstone of the construction of a future Palestinian State. We encourage the parties involved to make a credible commitment to the efforts under way. Moreover, nothing can replace direct negotiations between the parties. My country can only encourage them to return to the negotiating table. The Geneva initiative offers a model solution and, with its recently completed annexes, a practical instrument for putting in place a peace accord. This important work accomplished by civil society could thus inspire these discussions and the settlement of the conflict.

The President: I give the floor to the representative of Bangladesh.

Mr. Momen (Bangladesh): I wish to thank you, Mr. President, and all others concerned for convening this important meeting. I also thank Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, for his briefing this morning on recent developments in the Middle East, including Palestine.

My delegation aligns itself with the statement delivered by the representative of Egypt as the Chair of the Coordinating Bureau of the Non-Aligned Movement. In addition, I would like to highlight the following points.

Bangladesh has always been committed to the cause of Palestine. It maintains solidarity with the Palestinian people in their just and legitimate struggle for self-determination and statehood. Our solidarity with the Palestinian cause and support for the inalienable rights of the Palestinian people are consistent and unwavering. Bangladesh reiterates its long-standing position that the continued occupation of Palestine is the root cause of violence, unrest and destabilization in the region. The people of Palestine are being denied their fundamental rights to self-determination and to live freely in their own land. We believe that the establishment of an independent Palestinian State with East Jerusalem as its capital is the only sustainable solution to this long-lasting conflict.

Bangladesh condemns Israel's illegal settlement in the occupied Palestinian territory, which undermines the Palestinian territory's unity and contiguity. All concerned parties should call for an immediate freeze on the expansion of Jewish settlements, as well as the dismantling of the existing ones in the occupied territories. Such injustice cannot be allowed to continue and must be rolled back in the interest of the free movement of people and access of the humanitarian agencies. It is necessary to rededicate ourselves to the Palestinian cause of self-determination and statehood, and to work together to bring this aspiration to fruition.

We need to seize every opportunity and take measures so that Israel and its patrons comply with the relevant United Nations resolutions on Palestine. It is regrettable to note that the key elements of resolution 1860 (2009) remain unfulfilled. The United Nations, and the Security Council in particular, must undertake the necessary measures to ensure the full and effective implementation of that resolution. The continuous defiance and blatant disregard demonstrated by the occupying Power against international law should be addressed by all concerned, including the Security Council and the international community. Effective measures should be taken to oblige the occupier to comply with international law, including the Fourth Geneva Convention, the relevant United Nations resolutions and the Road Map.

It is disturbing to note the recent attacks by Israel against Palestinian worshippers at the Islamic holy sites of Al-Haram Al-Sharif and the Al-Aqsa mosque in occupied East Jerusalem. These attacks are no doubt provocative, considering the volatile situation in the occupied city. We feel that it is necessary to draw attention to the report (A/HRC/12/48) of the United Nations Fact-Finding Mission on the Gaza Conflict, known as the Goldstone report.

Furthermore, the conclusions of the Secretary-General's Board of Enquiry also need serious consideration. According to the report of the Fact-Finding Mission, Israel imposed a blockade and conducted a systematic policy of isolation and

deprivation against the people of the Gaza Strip. The report further says that Israeli military activities were directed at the civilian population of Gaza. As per the recommendations of the Fact-Finding Mission, in this situation it is necessary for the Security Council to adopt appropriate measures to address the acute adversity of the people of Gaza.

Bangladesh firmly believes that a comprehensive and just peace settlement is the key to peace in the Middle East. The relevant United Nations resolutions, the Arab Peace Initiative and the Middle East Road Map can be viewed as the guiding principles in this regard. Moreover, the recommendations of the Fact-Finding Mission need to be taken seriously into account. Bangladesh hopes that all parties involved will take a pragmatic approach to this issue in order to ensure the early implementation of the Road Map for peace in the Middle East. We would not wish to see the global community blamed for and ashamed of not implementing the fair, judicious and humane Road Map for Palestine.

The President: I give the floor to the representative of Malaysia.

Mr. Ali (Malaysia): Let me first of all congratulate you, Sir, on assuming the presidency of this Council and express how pleased we are at seeing you preside over this meeting. We also thank you for convening this meeting and for inviting the larger membership of the United Nations to participate in this open debate on the situation in the Middle East, including the question on Palestine. My delegation also wishes to align itself with the statements made by the representatives of Egypt and Syria on behalf of the Non-Aligned Movement and the Organization of the Islamic Conference, respectively.

The situation in the Middle East, particularly in the occupied Palestinian territory, is perilous and precarious. Urgent, decisive action is needed, particularly by this Council, to stabilize the situation and to restart the peace process, leading to a comprehensive and just solution.

The war unleashed by Israel on Gaza in late December 2008 further exacerbated the situation. It has been almost a year now since the establishment of the fragile ceasefire and since this Council unanimously adopted resolution 1860 (2009), which, among other things, called for free access of humanitarian aid and other essential and commercial supplies, as well as necessary construction materials to and from Gaza, to alleviate the suffering of the people there. Yet this is far from happening, and nothing has been done to ensure its implementation. The people in Gaza, particularly women, children and the elderly, continue to suffer from Israeli actions to prevent much-needed essentials from reaching them. Does this not warrant any action from this Council to ensure the implementation of its own unanimously adopted resolution?

At the same time, the Board of Inquiry set up by the Secretary-General and the United Nations Fact-Finding Mission on the Gaza Conflict established by the Human Rights Council have found Israel responsible for the death and destruction in Gaza and for material breaches of international human rights and humanitarian law.

We fully support the findings and recommendations of both the Board of Inquiry and the Goldstone report (A/HRC/12/48), especially on the need for full investigation by relevant authorities in pursuing possible charges of war crimes and crimes against humanity. On this note, too, we wonder why the Council has been silent on the Board of Inquiry's report, despite its having been presented to the Council several months ago. Does it not warrant any action from the Council, or is the Council waiting for the Goldstone report to further substantiate the Board of Inquiry's findings?

We are alarmed by the increasing incidents of violence and attacks against Palestinians by Israeli illegal settlers. We are dismayed by the reluctance of the Israeli authorities to prevent such acts, which have further worsened the already volatile situation in the occupied territories, particularly occupied East Jerusalem. We urge the Council to take decisive action to compel Israel to cease all provocative actions, including those aimed at altering the demographic and geographic characteristics and the status of East Jerusalem and the occupied Palestinian territory.

We need to seriously focus our energy and efforts on restoring to the Palestinians their inalienable rights, including their right to an independent State. All parties must act in earnest and with sincerity to attain the objective of a just and lasting solution to the problem in the Middle East. We again urge the Security Council to take the actions necessary to restore peace and stability to the Middle East.

The President: I now call on the representative of Ecuador.

Mr. Morejón (Ecuador) (*spoke in Spanish*): Ecuador reaffirms once again its position on the Middle East conflict: full respect for the norms and principles of international law, in particular with regard to the peaceful settlement of disputes; condemnation of the use or threat of use of force; compliance with international treaties and agreements; and strict compliance with resolutions of the United Nations and its organs. In that connection, we support the resolutions of the Security Council.

My delegation once again condemns the acts of violence in the Middle East, which clearly violate international law and prevent the achievement of a global and comprehensive solution to the Palestinian-Israeli conflict — and, ultimately, the Arab-Israeli conflict — within the framework of the relevant United Nations resolutions and in accordance with the norms and principles of international law.

We also condemn the military operations in the Gaza Strip, which claimed many human lives — particularly among women and children — and caused extensive material damage. In addition to those military actions, the blockade imposed on the Palestinian territories has aggravated the suffering and destruction of a people fighting to achieve a sovereign and independent State. It was precisely those actions that led the President of the Human Rights Council to establish the United Nations Fact-Finding Mission on the Gaza Conflict.

Ecuador notes the recommendations set out in the Goldstone report (A/HRC/12/48) to various United Nations organs, Israel, the competent Palestinian authorities and the international community with respect to accountability for serious violations of international humanitarian law, reparations, serious violations of human rights law, the blockade and reconstruction, the use of weapons and military procedures, the protection of human rights organizations and defenders, and follow-up to the Mission's recommendations. Ecuador also notes with concern Israel's scant support for the Mission of the Human Rights Council, as referred to in the Goldstone report.

Finally, Ecuador joins in the demand of the international community that the conflict be resolved with respect for the right of the Palestinian and Israeli peoples to live in peace and security as sovereign and independent States within secure and recognized borders. We urge the parties to seek to contribute to the resumption of a dialogue that, through strict and effective compliance with their commitments, may lead to a just, lasting and comprehensive peace.

The President: I now call on the representative of the Islamic Republic of Iran.

Mr. Khazaee (Islamic Republic of Iran): I wish to begin by expressing our sincere thanks to you, Mr. President, for having convened this timely and important meeting. We would also like to express our gratitude to the Permanent Representative of the Libyan Arab Jamahiriya for his proposal that this meeting of the Security Council be held to consider the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48). We commend the Non-Aligned Movement, the Organization of the Islamic Conference, the Arab Group and other Member States for supporting Libya's proposal.

Less than a year ago, the military machine of the Israeli occupier regime created an unprecedented, horrific human tragedy in the Gaza Strip, which resulted in the strangulation and slaughter of the innocent and defenceless people of Gaza, especially women and children, for more than 20 consecutive days. The Zionist regime, which knows nothing about respect for humanity and human rights, also targeted each and every human being, house and infrastructure in the Gaza Strip and resorted to unimaginable criminal acts, such as the bombardment of innocent children and women sheltered in buildings declared safe by the United Nations. By committing those barbaric crimes, the Israeli regime once again challenged the credibility of the international community and the civilized world, in particular the United Nations and the Security Council, and undermined the most basic values for which the civilized world stands.

During the Gaza crisis, a majority of Member States were unanimous in calling on the United Nations and the Security Council to take all measures necessary to put an immediate end to the brutal and callous crimes perpetrated by the Israeli regime in Gaza. The Islamic Republic of Iran, together with many other Member States, firmly urged the United Nations, especially the Security Council, to take urgent measures to stop the Israeli attacks, which bore all the

characteristics of collective punishment, crimes against humanity and war crimes.

We supported the resolution adopted by the Human Rights Council calling for, inter alia, condemnation of the Israeli regime's military operations in the occupied Palestinian territory, particularly in the Gaza Strip; the immediate cessation of the Israeli regime's military attacks throughout the occupied Palestinian territory, particularly in the Gaza Strip; and the immediate withdrawal of its military forces from the Gaza Strip. Likewise, we strongly supported the Council in its decision to dispatch an urgent independent international Fact-Finding Mission to investigate all violations of international human rights law and international humanitarian law committed by the Israeli occupying Power against the Palestinian people throughout the occupied Palestinian territory, particularly in the Gaza Strip.

As members are aware, in the absence of any effective measure on the part of the Security Council, the Human Rights Council mandated Judge Richard Goldstone to lead a team to investigate those crimes and to report to the Council. Despite the fact that the Goldstone report was issued rather late and reflects only partial and minimal aspects of the various crimes committed by the Israeli regime in Gaza, it contains important recommendations for the Security Council, including, inter alia, a request that the Council require the Israeli regime to report to it within six months on the investigations and prosecutions that it should carry out with regard to the violations identified by the Mission.

We strongly echo the voices of wakeful consciences throughout the world, including the majority of Member States, in calling on the United Nations to take decisive action concerning the crimes of the Zionist regime in Gaza, including those described in the Goldstone report. We also believe that the recommendations contained in the report should be considered a valid basis for the prosecution of those Israeli politicians, military commanders, personnel and citizens who were involved in the Gaza massacre.

We should act collectively to demonstrate our unqualified support for the cause of Palestine, on the one hand, and to save the image and the credibility of the United Nations, on the other. We must resolutely combine our strong political will in order to prove to our nations that the Organization never appeases oppressors and that there can be no impunity for those who have committed war crimes and crimes against humanity.

We must work hard to confront the crimes revealed in the report and prevent the application of double standards in the process of bringing the criminals to justice. There is no doubt that this meeting's response to the report will convey a clear message to various audiences — first, to the international community as a whole, concerning the effectiveness and efficiency of the United Nations system in maintaining international peace and security; secondly, to the perpetrators of crimes such as these, concerning the level of seriousness with which we confront their criminal acts; and thirdly, to the victims of war crimes, who deserve fair and adequate support from competent regional and international organizations.

That being said, it is expected that the Security Council, in line with its responsibility to uphold and protect international peace and security, will take the recommendations of the Goldstone report fully into account. We consider this meeting to be a true test of the Council's credibility and reliability, and sincerely hope to see it move in the right direction. If it does not, we cannot expect the world, especially the victims of the heinous crimes perpetrated in Gaza by the Israeli regime, to keep believing in the United Nations and other international organizations as their best source of support.

I wish to reject the baseless allegations that the representative of the Zionist regime made in her statement against my country this morning. Needless to say, the allegations represent yet another smear campaign by that regime in its vain attempts to divert attention from its own nuclear arsenals, State terrorism and atrocities in the region.

Before concluding, I wish to reiterate the unwavering support of my people and my Government for the Palestinian people in their rightful and legitimate efforts to exercise their right to self-determination.

The President: I now give the floor to the representative of Australia.

Mr. Quinlan (Australia): I thank you, Sir, for the opportunity to speak in this second open debate of your presidency. We very much appreciate the opportunity to contribute to the Council's consideration of such

vital matters in this way. I would also like to thank Under-Secretary-General Pascoe for his briefing, and to welcome the participation in the debate of Foreign Minister Al-Malki.

Many countries today have spoken about the conflict in Gaza and southern Israel in December and January. We spoke in this Council during that conflict, and we were deeply saddened by the tragic events. Australia supports Israel's right to self-defence, and supports it strongly. Rocket attacks must cease.

This does not alter, however, our fundamental concern over the humanitarian situation of the civilians of Gaza before, during and after the conflict. We called on parties during the conflict to avoid actions which caused unnecessary suffering to civilians, and we call on the parties now to act to prevent the continuing humanitarian crisis — a situation that is unacceptable. We call for border controls to be eased. Equally, arms smuggling must stop. During the conflict, Australia said consistently that all parties had to do everything they could, legally and morally, to ensure that civilian casualties were avoided. Australia has also made it clear, at the time and since then, that it supported a proper investigation of any allegations of violations of human rights and international humanitarian law.

It is crucial that such matters be dealt with seriously and carefully. For this reason, Australia again calls on the parties to undertake the proper investigation of the allegations that have been made concerning all violations of human rights and international humanitarian law. We outlined in Geneva on 29 September our preference that consideration of the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48) remain within the Human Rights Council to allow the parties time to pursue those investigations.

The ineluctable lesson that must be drawn from the Gaza conflict is that a lasting resolution of the Israel-Palestinian dispute can be brought about only through peaceful means. All efforts to secure a just and enduring peace in the Middle East must be pursued by all of us as a matter of compelling urgency. Australia's long-standing position is that peace between Israel and the Palestinians has to be predicated on a two-State solution, where both Israelis and Palestinians can exist in peace and security within their own defined borders. The parties must honour the agreements they have already entered into, including the Road Map for peace. Israel must halt settlement activity and work to normalize the day-to-day life of Palestinians. In turn, the Palestinians must continue to dismantle terrorist infrastructure and halt violence and incitement.

We commend the United States efforts and the commitment of President Obama and his team, and we call on the parties to resume negotiations urgently. The ongoing positive engagement of the broader international community, including the Quartet members and the countries of the region, is clearly also essential. As we have said previously, we recognize and value the importance of the Arab Peace Initiative.

In the interests of time, I would draw attention to my distributed remarks and, in conclusion, say that Australia strongly supports the peace process and is contributing to the development of Palestinian institutions as well as providing humanitarian assistance. Since late 2007, we have given more than $75 million in development and humanitarian assistance and will continue to provide a high level of assistance. We urge all parties to work towards a just and enduring resolution of this terrible conflict, and we stand ready to continue to provide what help we can to support such an outcome.

The President: I now give the floor to the representative of Morocco.

Mr. Loulichki (Morocco) (*spoke in Arabic*): Mr. President, I should like at the outset to convey our gratitude and appreciation to you for convening this open debate on the situation in the Middle East. We thank Under-Secretary-General Pascoe for his briefing on the most recent developments in the region, and welcome Mr. Riad Al-Malki, Foreign Minister of Palestine. We wish to associate ourselves with the statements made by the representatives of Egypt on behalf of the Non-Aligned Movement, of Syria on behalf of the Organization of the Islamic Conference, and of the Sudan on behalf of the Arab Group.

We would like to focus in our statement on the dangerous recent practices in the occupied Palestinian territory and especially the city of Al-Quds, where Israel has continued its illegal policy by confiscating more land in Silwan and other Arab districts through the creation of additional settlements in the Al-Jarrah neighbourhood and the construction of the separation wall that isolates Al-Quds from its natural surroundings. These activities are aimed at Arab

citizens, who are then expelled and whose residency permits are confiscated and homes destroyed.

Excavations are continuing, tunnels are being bored under and around the Al-Aqsa mosque, and Islamic civilization's heritage is being confiscated. These provocative acts, which are ultimately aimed at changing the demographic and legal status of Al-Quds in a systematic and unprecedented way, are all likely to increase tensions in the region and create a new reality on the ground, undermining and indeed hindering any possible progress in the peace process and towards the two-State solution agreed by the international community.

The Kingdom of Morocco, whose sovereign chairs the Al-Quds Committee, has reiterated its unreserved condemnation of the recent violations of the Al-Aqsa mosque and other dangerous practices, which run counter to the values of peaceful coexistence and religious tolerance and constitute a rejection of international resolutions and instruments.

His Majesty the King has drawn the attention of influential international stakeholders to the dangers arising from Israel's illegal practices. He has done so to ensure that these countries fulfil their responsibilities and intervene immediately to put an end to these practices, including the violations of the mosque's esplanade and other holy sites. His Majesty is following developments in the situation closely and is in constant communication with Arab and Islamic leaders.

In the light of the daily suffering of the inhabitants of Jerusalem, the Al-Quds Committee continues to back the resistance there through social projects funded by the Bayt Mal Al-Quds Al-Sharif Agency. To highlight the central importance of the issue of Jerusalem in the context of the wider conflict in the region, on 28 and 29 October the Al-Quds Agency, in partnership with the Arafat institute, will hold a workshop in Morocco on the subject of Jerusalem. It will be sponsored by the King of Morocco, with the participation of eminent academic personalities, religious leaders, non-governmental organizations and representatives of civil society.

Morocco continues to support the Arab Peace Initiative as the definitive path to follow on this matter. In addition to the role it plays in negotiations, the Kingdom of Morocco takes an active part in the efforts of the international community to advance the peace process. We note with appreciation the intensification of international efforts, and welcome the efforts of the United States Administration to overcome the obstacles to the peace process. We also welcome all other international efforts in this area, including those of the European Union. The Kingdom of Morocco hopes that the recent endeavours of the United States special envoy to the Middle East will lead to a resumption of peace negotiations on the basis of existing agreements between the parties and the Arab Peace Initiative, a realistic initiative that reflects the genuine Arab will to achieve a just and comprehensive solution in the Middle East.

Peace in the Middle East is not the sole responsibility of the parties to the conflict, as the Permanent Representative of Australia affirmed earlier, but an issue that the international community must also address, because stability in the region has an impact on international peace and security. That is why the parties to the conflict must fulfil all their responsibilities, alongside the international community, and seize this historic opportunity to achieve peace in the region.

With the support of the Arab Group and the international community, the Palestinian National Authority has worked to meet its international obligations, acted boldly and made sacrifices, and has fulfilled its commitments to the international community. The Palestinian people should therefore be able to enjoy the fruits of those promises instead of having to watch Israel continue to question and undermine all agreements and terms of reference upon which the peace process is based. International efforts to revitalize the peace process are being stepped up, and in this regard the Kingdom of Morocco hopes that the efforts of the brotherly country of Egypt will lead to unification within Palestinian ranks for the benefit of all sectors of Palestinian society.

We have also learned, with a great deal of satisfaction, of the initiative of the Palestinian National Authority aimed at laying the foundations necessary to fulfilling the dream of the Palestinian people to live in their own independent State, with Jerusalem as its capital, side by side with Israel in peace and security. We hope that this meeting will lead to measures and initiatives that will alleviate the suffering of the Palestinian people and open up new prospects for the continuation of a genuine and comprehensive peace process.

The President: I now give the floor to the representative of Jordan.

Mr. Al-Allaf (Jordan) (*spoke in Arabic*): Allow me at the outset to congratulate you, Mr. President, on your assumption of the presidency of the Security Council this month. We would like to express our appreciation to Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, for his comprehensive briefing this morning. We would also like to welcome the presence of the Minister for Foreign Affairs of Palestine at this meeting.

Jordan associates itself with the statements made by the representatives of the Sudan, the Syrian Arab Republic and Egypt on behalf the Arab Group, the Organization of the Islamic Conference (OIC) and the Non-Aligned Movement, respectively.

The world is unanimous today on the objective of achieving a two-State solution and establishing comprehensive peace in the Middle East in accordance with the agreed terms of reference, international legitimacy and the Arab Peace Initiative. The Arab countries are also committed to this goal, as demonstrated in the adoption of the Arab Peace Initiative in 2002, its consequent reaffirmation at other Arab summits — the most recent of which was the Doha summit — and its adoption and sponsorship by the OIC. We have also seen the Palestinian National Authority, particularly President Mahmoud Abbas, work tirelessly and continuously in the pursuit of the two-State solution, which would guarantee peace and security for the peoples and States of the region.

In spite of all this, Israel unfortunately remains intransigent and rejects the tireless and sincere efforts being made to create an environment conducive to serious peace negotiations on all tracks, proceeding from the most recent point they had reached. Israel continues its illegal settlement activities in the occupied Arab territories, including East Jerusalem.

We further reiterate that settlements and peace are contradictory and cannot go together. This is particularly true give that settlement activities run counter to international law and international humanitarian law. They undermine any possibility of establishing a viable and independent Palestinian State on Palestinian national soil in the West Bank and the Gaza Strip, with East Jerusalem as its capital, in accordance with the borders of 4 June 1967.

We therefore reaffirm that these settlement activities and their recent frenzied resumption seriously threaten the prospects for peace in the region. Israel also pursues its unilateral, illegal and illegitimate measures in occupied East Jerusalem. We have seen a serious acceleration in the scope and number of these activities, including excavations under and around Muslim and Christian holy sites, particularly around Al-Haram Al-Sharif and its environs, the demolition of homes and the forced displacement of their Arab inhabitants, the consolidation of existing settlements and the establishment of new ones, and frenzied attempts to change the demographic makeup of occupied East Jerusalem and to prevent the administration from doing its work there. The Hashemite Kingdom of Jordan condemns all of Israel's unilateral measures as illegal, illegitimate and in gross violation of its commitments as the occupying Power. They represent a grave obstacle to efforts to relaunch serious negotiations aimed at achieving the two-State solution and a peaceful settlement in the Middle East.

For the Hashemite Kingdom of Jordan, led by His Majesty King Abdullah Bin Al Hussein, the serious Israeli escalation over the past two weeks in terms of many provocative measures carried out at Al-Haram Al-Sharif and the Al-Aqsa mosque, and other violations aimed at altering the legal status of East Jerusalem, represent a red line that cannot be crossed. We wish to highlight the fact that we are intensifying our contacts with all influential actors concerned, particularly the five permanent members of the Security Council and the Secretary-General, with a view to exerting pressure to put an immediate and definitive end to all Israeli aggressions and provocative actions.

Jerusalem has a special status in the hearts and minds of tens of millions of Muslims and Christians throughout the world. Because of that status, Israel's provocative and illegal actions are an explosive element that threatens the very foundations of international peace and security. Therefore, we call on the international community to shoulder its responsibility and take resolute action to put an end to all Israeli aggressions and provocations in the occupied Arab territories, particularly East Jerusalem. We wish to reaffirm that preserving and protecting the holy city of Jerusalem will always be a top priority for Jordan, which will spare no effort in opposing any such

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aggression, provocation or threat to either Muslim or Christian holy sites.

The Hashemite Kingdom of Jordan has forcefully condemned the Israeli aggressions committed against unarmed civilians during its latest war in the Gaza Strip. On more than one occasion, including in the statement made by His Excellency the Minister for Foreign Affairs of Jordan to the General Assembly on 26 September 2009, we have welcomed the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), led by Judge Richard Goldstone. We have done so because of our firm conviction that it is important to support the principle of international criminal justice and its application in an objective and non-selective manner, free from politicization. We also supported the request that an emergency session of the Human Rights Council be held tomorrow in Geneva to discuss the Goldstone report.

Furthermore, we wish to call for the lifting of the blockade against the Gaza Strip, whose population is suffering greatly every day and lacks the most basic needs of everyday life. That inhumane blockade must be lifted, and the reconstruction of the Gaza Strip must begin immediately.

We reaffirm our support for the important statement made by His Excellency Mr. Barack Obama, President of the United States of America, to the General Assembly on 23 September 2009. It was unambiguous in setting out the President's vision of a final solution to the problem in accordance with the agreed frameworks, ending the Israeli occupation that began in 1967 and establishing a viable, independent Palestinian State with contiguous territory, living side by side in peace and security with Israel. President Obama's clear reaffirmation that the political framework of negotiations between the Palestinians and the Israelis is the best way to address the final status issues — security for Israelis and Palestinians, borders, refugees and Jerusalem — and his forceful statement that all settler activity is illegitimate show his strong commitment to the two-State solution and comprehensive peace in the Middle East, as well as his resolve to continue his tireless efforts — which began the day he took office — to create an atmosphere conducive to the relaunching of serious and constructive peace negotiations on all tracks aimed at the attainment of that noble objective.

Finding a just and comprehensive solution to the question of Palestine, which is at the heart of the Middle East conflict, would be a key to resolving other conflicts and a guarantee for peace and security in our region, which yearns for peace and stability. These can be achieved only through the two-State solution: an independent, viable and contiguous Palestinian State with Jerusalem as its capital, living side by side in peace and security with Israel.

The President: I now call on the representative of Norway.

Mrs. Juul (Norway): First of all, I wish to add Norway's voice to that of the Middle East Quartet, which last month again called on Israel and the Palestinians to act on their previous agreements and obligations in order to create conditions for the resumption of negotiations in the near term. With the same sense of urgency, I call on the parties to fully engage in resumed negotiations to create a viable Palestinian State on the basis of the 1967 borders. There is a broad and growing recognition that we are nearing a moment of truth. The prospective two-State solution can ill afford one more abortive process.

Furthermore, in view of Norway's role as Chair of the ad hoc liaison committee — the donor group supporting the Palestinian Authority — I must stress the importance of resumed negotiations to our ability to mobilize continued donor support for the Palestinian State-building project. Without forward movement, and without a political endgame clearly in sight, donors will have a hard time justifying support beyond their pledges made in 2007, which are due to expire next year.

Norway chaired a meeting of the committee here in New York on 22 September this year. In spite of the international financial downturn, donors are honouring their pledges, and support for the Palestinian Authority is on a par with expectations for fiscal year 2009. In addition, the World Bank reported 7 per cent growth in the Palestinian economy on the West Bank, which was due in part to Israel's easing of restrictions and in part to the Authority's reform and security initiatives. If expanded and sustained, those developments will ease the humanitarian suffering and underpin peace efforts.

But let me be clear: the objective of the committee is to support the quest for a two-State solution, whereby the Israeli occupation is replaced by a free and sovereign Palestinian State living side by

side with Israel in peace and security. The willingness of donors to maintain high levels of support is a strong message to the parties to engage in meaningful and dedicated negotiations to bring the peace process to its rightful conclusion.

The United Nations Fact-Finding Mission on the Gaza Conflict raises allegations of a most serious nature. It alleges that both Israel and Palestinian groups may have been responsible for grave violations of international humanitarian and human rights law.

We believe that the report should first be studied by the United Nations Human Rights Council, as that Council initiated the Fact-Finding Mission. The Human Rights Council is addressing the report this week. As a member of that Council, Norway will work toward achieving broad support for a balanced resolution ensuring appropriate follow-up of the report and its recommendations.

The parties to the conflict bear the most immediate responsibility to investigate and prosecute possible violations committed by forces under their command. This is necessary, inter alia, to prevent impunity. Norway is deeply concerned regarding issues of the protection of vulnerable groups in armed conflict in the Middle East and throughout the world. The role of humanitarian agencies is under threat, as are increasingly their workers themselves. The need to work towards the full development of international humanitarian law is a significant legacy of the violent century we have put behind us. International humanitarian law needs to be protected, defended and expanded.

The President: I now give the floor to the representative of the Maldives.

Mr. Mohamed (Maldives): The Maldives strongly supports the right of the Palestinian people to freely determine their own political and economic system, including the right to resist forcible deprivation of their right to self-determination and their right to live in peace and freedom in their own State. We also support the inalienable right of the people of Israel to live in peace and security. Perhaps the greatest tragedy of the Gaza conflict is that, although fought to assert these rights, it in fact pushes them further away.

The Maldives believes that the report of the Fact-Finding Mission led by Justice Goldstone is detailed and thorough. We sincerely regret Israel's decision not to cooperate with the Mission.

That said, a few things are clear: The blockade amounts to collective punishment intentionally inflicted by the Government of Israel on the people of the Gaza Strip. As such, the blockade violates international law and should be immediately lifted. The launching of rockets by Palestinian armed groups into Israeli civilian areas constitutes a grave violation of humanitarian and human rights law. The Israeli military incursion into Gaza in response to those rocket attacks was massively disproportionate, and the destruction of houses, factories, schools and hospitals and the large number of civilian casualties demonstrate, at best, a blatant disregard for the fundamental principle of distinction.

The Maldives believes that the clear and manifest violations of human rights and humanitarian law that have occurred in Gaza warrant careful and verifiable scrutiny. Accountability must be established and justice pursued. The Maldives therefore supports the recommendation, contained in the report, that all alleged violations by both sides in the conflict be independently investigated and that those investigations together with any subsequent prosecutions be monitored by the Security Council.

The President: I now give the floor to the representative of Sri Lanka.

Mr. Kohona (Sri Lanka): I thank the President of the Security Council for giving us the opportunity to once again focus on the situation in the Middle East, particularly the Palestinian question, a question that has occupied the attention of this Council time and again. Sri Lanka has consistently supported a peaceful settlement to the Palestinian issue and called for the implementation of General Assembly resolutions regarding the inalienable rights of the Palestinian people to statehood and the realization of the two-State solution. Our sincere wish is that Israel, Palestine and their neighbours in the region coexist in peace and security. As a country that has suffered much at the hands of unbridled violence unleashed by terrorism, Sri Lanka knows only too well the human and material cost of such violence, which can impede political solutions. We have consistently endorsed the two-State solution to the problem. A peaceful Middle East is our wish for the people of the region.

My Government, it may be recalled, expressed its deep anguish and concern over the developments that took place in Gaza late last year and in the early part of this year — developments that led to the loss of civilian life, an increase of tensions in the region and unnecessary suffering among civilians. Sri Lanka is fully aware, through its own experience, of the need to provide for and supply civilians affected by conflict owing to terrorist violence. At that time, my Government called upon all parties to end military action and violence immediately and ensure a climate conducive to finding a way forward towards a two-State solution, which all parties concerned, including Israel and Palestine, agree is the only possible lasting solution. In spite of those unfortunate circumstances earlier this year, my Government was pleased to note the several important developments on the ground since then and the continued international efforts to create the conditions for the early resumption of negotiations by the two sides. Those gave us reason to renew our hope for a peaceful solution.

It is our sincere hope that the issues before the Council today will be addressed in a just and equitable manner that will not obstruct the search for peace. I believe that we will have further opportunity to discuss these issues at the forthcoming sessions of the Human Rights Council. We believe that at this time the unity of the Palestinian people is of utmost importance and that they will unite in pursuit of their aspirations.

Sri Lanka wishes to reiterate its support for the Palestinians' quest for their legitimate, human and national rights. The Government and the people of Sri Lanka would like to reassure them of our continued support and solidarity.

The President: I now give the floor to the representative of the Bolivarian Republic of Venezuela.

Mr. Valero Briceño (Venezuela) (*spoke in Spanish*): Mr. President, we wish to express our satisfaction with your direction of the presidency of the Security Council, and to commend you for having moved this debate on the situation in the Middle East including the question of Palestine forward. Your decision is a clear and accurate interpretation of the concern that a considerable majority of this Organization has about Israel's systematic disregard, as a State policy, for the resolutions of this body, the General Assembly and the Human Rights Council regarding the Middle East and the situation in Palestine.

The Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations associates itself with the statement made today on behalf of the Non-Aligned Movement delivered by the Permanent Mission of Egypt.

The matter of the Middle East, including the question of Palestine, has been of the greatest importance to this Council. The creation of the United Nations Truce Supervision Organization by the Security Council in 1948 led to the first peacekeeping operation, charged with verifying the ceasefire in the Middle East. Since 1947 numerous resolutions have been adopted by the United Nations on the matter of Palestine and the situation in the Middle East, from the controversial General Assembly resolution 181 (II) on the partition of Palestine to Council resolution 1860 (2009) adopted this year.

Absolutely none of these have been honoured by the Government of Israel. Several decades have borne witness to the continual military aggression of the Government of Israel, which has increasingly violated international law, and in particular international humanitarian law, in its practices against the peoples and Governments of the region of the Middle East.

In January 2009, given the inaction of the Security Council, the General Assembly and the Human Rights Council acted to impede — or at least mitigate — the brutal aggression launched against the people of Palestine in the Gaza strip. In this context, the results obtained by the Human Rights Council in the wake of its resolution (A/HRC/S-9/1), which spoke to the grave situation in Gaza, merit particular endorsement. The Fact-Finding Mission charged with investigating those events has now produced its report (A/HRC/12/48), the content of which, in the opinion of Venezuela, demands the support of the entire international community.

In its conclusions and recommendations, the report underscores the need for effective accountability. In addition, according to the report, there is important evidence showing clearly that during the military operation of 27 December 2008 through 18 January 2009 there were "serious violations of international humanitarian law", as well as blatant violations of human rights made worse by the blockade to which the population of Gaza was subjected in the months before Operation Cast Lead was launched.

Among the violations, which the entire world witnessed and which have been disseminated by the media to every corner of the Earth, were arbitrary and abusive detentions, recurrent torture, ill treatment, extrajudicial killings, forced expulsion, the demolition of homes, and a brutal, unmitigated broadening of settlement activity. These unquestionably abominable actions were undertaken with total impunity.

Impunity is the most important issue we must address in this meeting. The conclusions of the impartial and thorough investigation are unequivocal as to the grave responsibility of the Israeli Government for the abominable events cited. The report of the independent Fact-Finding Mission also indicates that

> "there are serious doubts about the willingness of Israel to carry out genuine investigations in an impartial, independent, prompt and effective way as required by international law. The Mission is also of the view that the system presents inherently discriminatory features that make the pursuit of justice for Palestinian victims extremely difficult". (*A/HRC/12/48, para. 1961*)

It is important to note that the International Criminal Court, under the Rome Statute, plays an important role in the quest for achieving justice and the prevention of flagrant violations of international law. The Rome Statute clearly codifies crimes within the jurisdiction of the Court: genocide, the crime of aggression, crimes against humanity and war crimes. My country sees evidence of such crimes reflected in the reports of the Human Rights Council.

The Security Council is obligated to assess Israel's non-compliance with the Council's resolutions concerning peace and security in the Middle East. The United Nations Charter confers on this body the authority to do so. That includes the authority to determine whether, in its judgment, a State is willing to honour its obligations under the Charter. It can make recommendations to the General Assembly in that regard.

The Security Council faces a dilemma that must be resolved. Should the Council gather further proof in the case concerning aggression against the people of the Middle East and Palestine, or should it shoulder the responsibility that is incumbent upon it? The Government of Israel has long acted outside the principles of the United Nations and international justice, and we cannot wait while the new, reprehensible concept known as natural growth — that is, natural extermination — is allowed to develop with impunity. International law forbids Israel from invoking conquest and colonization; it certainly cannot be allowed to pursue such practices in the name of so-called natural growth or, rather, natural extermination.

Israel has no excuse for expelling the Palestinians, a dignified people with thousands of years of history, from their own lands, or for its ongoing aggression against them, its frequent indiscriminate bombing of Lebanon and its occupation of Golan. These constitute flagrant, clear and unconcealable violations of the principles of international law, in particular international humanitarian law, without parallel, in their constancy and brutality, in modern history.

The Government of the Bolivarian Republic of Venezuela, with President Hugo Chávez at its helm, has been emphatic in its rejection of the historic aggression of the Government of Israel against the nations of the Middle East and Palestine in particular. We endorse the demands of those peoples and the peoples of the world to be allowed to live in peace, and we call on the international community not to permit jurisprudence to grant legitimacy to the military conquest of any territory.

In conclusion, Venezuela will continue to suspend its diplomatic relations with the Government of Israel, which were broken off by my Government as a result of the criminal attacks on the Palestinian people and the Gaza Strip. My Government is unwilling to resume diplomatic relations until the inhumane treatment of the Palestinians comes to a definitive end.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6:30 p.m.